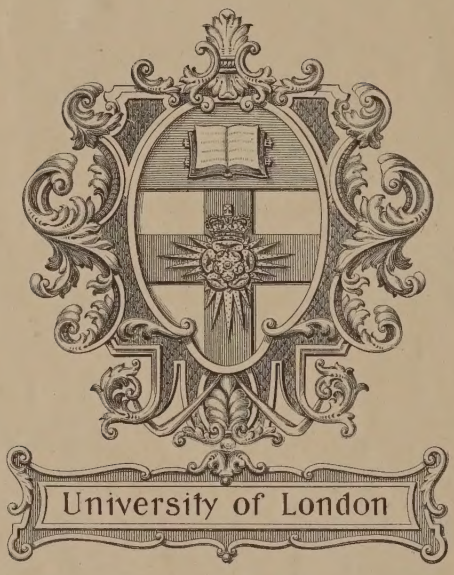
University of London

REPORTS

FROM

COMMITTEES:

ELEVEN VOLUMES.

—(5.)—

CHARITABLE USES; CHELSEA NEW BRIDGE;
COMMITTEES OF SUPPLY; COUNTY AND DISTRICT SURVEYORS;
DULWICH COLLEGE; ECCLESIASTICAL CORPORATIONS;
EXPIRING LAWS; LAND TRANSPORT CORPS;
MILITIA ESTIMATES; NEW ZEALAND; OATHS;
PRIVATE BILLS; PUBLIC MONIES;
RAILWAY AND CANAL BILLS;
SHEEP AND CONTAGIOUS DISEASES; WESTMINSTER BRIDGE.

Session

30 *April* —— 28 *August* 1857.

VOL. IX.

1857—Sess. 2.

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1857—Sess. 2.

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Brought from the Lords, 13 August 1857.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

ON THE

CHARITABLE USES BILL,

AND THE

ROMAN CATHOLIC CHARITIES BILL [H.L.];

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
15 *August* 1857.

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REPORT.

BY THE SELECT COMMITTEE appointed to consider of the CHARITABLE USES BILL, and the ROMAN CATHOLIC CHARITIES BILL (H. L.), and to whom was referred the Petition of Persons signing, praying for Amendment of the ROMAN CATHOLIC CHARITIES BILL (H. L.), and to Report to the House :—

ORDERED TO REPORT,

THAT the Committee have met, and proceeded with the consideration of the Roman Catholic Charities Bill (H. L.), and also of the said Petition, and have examined Witnesses, with a view to satisfy themselves how far the complaint contained in the said Petition, praying for more extensive relief as to Roman Catholic Charities than was proposed by the Bill, rested on any solid foundation.

The Committee accordingly examined Mr. Bagshawe, who is an eminent Queen's Counsel, and also Mr. Harting, a very respectable Solicitor. Both these gentlemen are Roman Catholics; and the result of their Evidence is, that all or very nearly all the Roman Catholic Charities in this country are mixed up with what has been decided in the Court of Chancery to be a superstitious use; and that therefore they are, in all probability, absolutely void and illegal. A bequest of money to be paid to a Priest for saying Prayers and celebrating Masses for the Soul of the Testator was decided by Lord Cottenham, in West *v.* Shuttleworth, to be bad, as a superstitious use.

The Evidence taken before the Committee shows that a condition to pray for the Soul of the Founder of a Roman Catholic Charity is sometimes expressly, always implicitly, annexed to every Charitable Foundation. The Petitioners, whose Petition is referred to Your Committee, point out that it is part of the Devotional Practices of the Roman Catholic Church to offer up Prayers for the Dead, and that such Prayers are offered up daily in all Prayers, and at all Masses, forming always a part, as well of Private, as of Public Devotion. The Petitioners therefore urge, that as the exercise of the Roman Catholic Religion is now freely tolerated, the Doctrine of Superstitious Uses, so far at least as relates to the Praying for the Souls of the Dead, ought not to be held to attach to their Charities, so as to affect their validity, and therefore that the Bill ought to go the length for which they contend, namely, to make all their Charities valid where their invalidity consists solely in their having infringed the Law relative to Superstitious Uses.

The Committee, without expressing any opinion on this claim, yet feel that it is one entitled to a grave and deliberate consideration, which, at the present advanced state of the Session, it would be impossible to bestow upon it. They therefore recommend that the Bill should not be proceeded with in the present Session, but that in the next Session of Parliament the subject should be inquired into, when there will be full leisure to investigate it.

This course will render necessary a short Bill, further to suspend for another year the Jurisdiction of the Charity Commissioners in respect of the Roman Catholic Charities.

With respect to the Charitable Uses Bill, the Committee observe it was only referred to them by reason of its supposed connexion with the Roman Catholic Bill; and as the Committee recommend the postponement of that Bill, they have not thought fit to proceed with the consideration of the other.

And the Committee have directed the MINUTES OF EVIDENCE taken before them to be laid before your Lordships.

28th July 1857.

ORDER OF REFERENCE.

Die Jovis, 2° *Julii* 1857.

Roman Catholic Charities Bill [H.L.], referred to a Select Committee.

Die Veneris, 3° *Julii* 1857.

Charitable Uses Bill, referred to a Select Committee.

Die Martis, 7° *Julii* 1857.

Charitable Uses Bill, and Roman Catholic Charities Bill [H.L.]: The Lords following were named of the Committee:

Ld. Chancellor.
Ld. President.
Ld. Privy Seal.
E. Marshal.
E. Ellenborough.
V. Hutchinson.
L. Camoys.
L. Colchester.
L. Lyndhurst.
L. Brougham & Vaux.
L. Abinger.
L. Wrottesley.
L. St. Leonards.
L. Wensleydale.
L. Belper.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Lunæ, 13° *Julii* 1857.

PRESENT:

Lord Chancellor.	Lord Abinger.
Lord Privy Seal.	Lord Wrottesley.
Earl Marshal.	Lord St. Leonards.
Viscount Hutchinson.	Lord Wensleydale.
Lord Camoys.	Lord Belper.

Order of Reference read.

Order of the House of Tuesday last, empowering the Committee to appoint their own Chairman, read.

It is proposed that the Lord Chancellor do take the Chair.

The same is agreed to, and the Lord Chancellor takes the Chair accordingly.

Order of the House of Tuesday last read, referring to this Committee the Petition of persons signing for the Amendment of the Roman Catholic Charities Bill [H. L.]

The said Petition is read.

The course of proceeding is discussed.

Ordered, That this Committee be adjourned to Thursday next, Four o'clock.

Die Jovis, 16° *Julii* 1857.

PRESENT:

Lord Chancellor.	Lord Colchester.
Lord President.	Lord Abinger.
Earl Marshal.	Lord Wrottesley.
Lord Camoys.	Lord St. Leonards.

The LORD CHANCELLOR in the Chair.

Order of Adjournment read.

The Proceedings of the Committee on Monday last are read.

The subject-matter referred to the Committee is discussed.

Ordered, That this Committee be adjourned to Thursday next, Three o'clock.

Die Jovis, 23° *Julii* 1857.

PRESENT:

Lord Chancellor.	Earl Marshal.
Lord President.	Lord Abinger.
Lord Privy Seal.	Lord Wensleydale.

The LORD CHANCELLOR in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are called in, and examined, and directed to withdraw:

Henry Ridgard Bagshawe, Esq., Q.C.

James Vincent Harting, Esq.

Ordered, That this Committee be adjourned to Monday next, half-past Three o'clock.

Die Martis, 28° *Julii* 1857.

PRESENT:

Lord Chancellor.	Lord Abinger.
Lord Privy Seal.	Lord St. Leonards.

The LORD CHANCELLOR in the Chair.

Order of Adjournment read.

The Proceedings of the Committee on Thursday last are read.

A Draft of a Report having been prepared, is considered, and amended.

The same is read by the Clerk, and agreed to, and is as follows:—(*Vide* Report).

Ordered, That the Lord in the Chair do make the said Report to the House.

MINUTES OF EVIDENCE.

WITNESSES.

Die Jovis, 23° *Julii* 1857.

Henry Ridgard Bagshawe, Esq., Q. C. - - - - p. 3

Mr. James Vincent Harting - - - - - - p. 16

Die Jovis, 23° Julii 1857.

LORDS PRESENT:

Lord Chancellor.	Lord Colchester.
Lord President.	Lord Abinger.
Lord Privy Seal.	Lord Wensleydale.
Earl Marshal.	

THE LORD CHANCELLOR in the Chair.

Evidence on the Charitable Uses Bill, and the Roman Catholic Charities Bill [H.L.]

H. R. Bagshawe, Esq., Q. C.

23d July 1857.

HENRY RIDGARD BAGSHAWE, Esquire, Q. C., examined as follows:

1. *Chairman.*] YOU are one of Her Majesty's Counsel?
Yes.

2. And a Roman Catholic?
Yes.

3. Have you been in the habit of seeing many of the trusts for Roman Catholic Charities, or have you been acquainted with the Roman Catholic Charities to any extent?
Since about 1835, I have been very conversant with such questions.

4. Questions relating to the Roman Catholic Charitable Trusts?
Yes; I had the honour to act as adviser at that time for every bishop and Roman Catholic vicar apostolic in England, and did so for many years; and I have continued to act as adviser of several up to the present time.

5. Are the charities for the most part constituted by deeds, or are they traditionary charities?
A great many are traditionary; in some, there are supposed to exist, and probably do exist, memoranda directing their guidance; in some few cases there are deeds within my knowledge.

6. As far as you are able to tell, are they charities for the most part which have endured for a long time or of recent creation?
For the most part they are of very considerably long standing, but there are a very considerable number also of recent standing; for instance, the late Lord Shrewsbury, under circumstances in which I was consulted, endowed eight or ten different churches in different parts of England, or assisted in endowing them.

7. When you say that the charities are for the most part ancient, to what date, as far as you are able to speak, do they go back on documents?
One or two certainly as early as James the 1st; some to Charles the 1st, and the time of the Commonwealth.

8. And on from time to time?
And on from time to time.

9. What are the proportions, should you say, of those which have any deed or writing to guide you as to what the trust is, and of those which have none?
The proportion is considerably in favour of those where there is no deed to guide us.

H. R. Bagshawe, Esq., Q. C.

23d July 1857.

10. *Lord Privy Seal.*] Or memorandum?

Or other evidence than that of a sort of tradition. There is possibly an entry in a book which shows to whom the proceeds of the endowment have usually been paid.

11. *Chairman.*] Are you able to state whether in all or any, and what proportion of these charities there is mixed up anything which would come under the definition of superstitious uses, which would be void under the statute?

I should say, that in a great number of instances, by direct authorization or request of the founder, such a thing would be considered as directed; that is to say, there would be an entry for instance in a book of so many masses; in many instances, undoubtedly, it is by direct statement in the deed; in all other instances I should say, without any exception, it is to be arrived at by implication. I know of no charitable foundation in which, by implication, that would not be involved.

12. You, as being at the Bar, and being one of Her Majesty's Counsel, will have had an opportunity of considering this subject as a lawyer?

Certainly.

13. From your acquaintance with these charities, can you state to the Committee whether, in your professional opinion, all, or a great portion of them, would be void?

A great number would be void.

14. On what ground do you think they would be void?

On the ground that the annexation to the gift of the condition of saying mass would render the charity void, either in favour of the next of kin, or of the Crown; that, as your Lordship is aware, is a question of some doubt; but it would be void in favour of one or the other. I may mention a very recent case, that of Dragonetti's will, under which the whole gift is void by reason of the condition annexed, of saying mass for his soul.

15. *Lord Privy Seal.*] Would a charity be void where that superstitious use was only to be inferred either by a memorandum, or by traditional usage?

That is a question of law; if you could once establish the fact, and bring it home to the conscience of the administrator of the fund, that there was that obligation annexed in his conscience, that that obligation was attached to his right to administer the fund, that would, I think, raise a case of its being void.

16. The evidence of usage, therefore, would probably be considered as having that binding effect upon the conscience?

You could hardly have evidence of the usage, because in saying the mass, the priest who said the mass would repeat the person's name on whose behalf the mass was said, in a low voice, so as not to be heard; therefore you might not have any evidence of the fact, although the fact might be going on daily and hourly.

17. Then what evidence could you produce in such a case, to entangle the charity with a superstitious use?

I will put this case: there is a memorandum written on the back of the deed, "The condition upon which this property is held is, that mass must be said for A. B.," and so on; a great number of persons, his ancestors, and those who may succeed him.

18. That was not the case to which I was alluding, but I referred to the case where you had nothing but usage to determine the existence of the superstitious use?

I should in such a case rather infer, that there never had been any original direction, but that it arose by implication. Every priest receiving a benefit from the donation of any person would be bound to commemorate that person in those offices of the church in which the commemoration of the dead is introduced. Thus, for instance, your Lordship is aware, no doubt, that in many colleges in Oxford and Cambridge there is a commemoration-day; so in every church you have a day dedicated in honour of the patron saint of the church, in which all the founders and benefactors would be commemorated.

19. Therefore

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19. Therefore the mere fact of a mass being said by the priest would imply that it was said for what the law would hold to be a superstitious use?

I think so, if you could bring it home as a matter of evidence; on the other hand, persons might do it upon their own sense of duty without reference to any written obligation, or any record of an obligation.

20. *Chairman.*] There might be cases in which, as a matter of fact, the Court would presume that there had been no original direction?

Just so.

21. There might be others in which it would presume that there had been such a direction; it would be a question of fact to be deduced from all the circumstances?

Yes; no priest can say any mass without a prayer being introduced for the dead into that mass; therefore he would, unquestionably, on the day when he commemorated the founders of his church, whether there was a direction or not, say a mass for them.

22. *Lord Privy Seal.*] Therefore the provision for a mass would be in fact a provision which the law reprobates?

In that sense; if it be the law of the land that these prayers for the dead are superstitious, then of course it would be brought within it.

23. *Chairman.*] Are there not old cases in which the giving of money for the maintenance of a priest without more has been held to be a superstitious use?

I think that is the inference from my Lord Cottenham's judgment, in the case of West *v.* Shuttleworth, in 2 Mylne and Keen, that he must have so held.

24. That inasmuch as it is part of the duty of a priest, in saying mass, to pray for the dead, then if giving money to pray for the dead be giving money for a superstitious use, giving money for the maintenance of a priest who must, as part of his duty, say prayers for the dead, is giving money for a superstitious use?

Just so. I think I may go the length of saying, that no priest could receive the benefit of a fund, knowing who the donor was, without holding himself bound *ex necessitate conscientiæ* to say a mass for the donor. I may also add, that it is not merely as to priests, but all night prayers and morning prayers in a family, every private individual's prayers, if they were to follow any prayer-book which has ever been published, would involve the same obligation of praying for the dead in those prayers. Even in some instances, I have known, particularly in collegiate establishments, that it is added on to the Grace at dinner. It pervades the whole system of the Catholic Church to pray for the dead, whenever you have an occasion to pray at all.

25. Lord *Abinger.*] To what statute do you trace this illegality upon which you rely?

If your Lordship will allow me to allude to my Lord Cottenham's judgment, he refers it to a supposed original common law illegality. His Lordship stated, that the statute of Edward the 6th, which refers directly to the matter, it was admitted on all hands was retrospective, and referred only to the chantries and charities existing at the time when that statute was passed. But my Lord Cottenham held, that the existence of that declaratory Act of the 1st of Edward the 6th, was evidence that this must have been superstitious by common law. That decision was one which certainly pressed very much upon many lawyers; nevertheless, it is the exact decision upon the books at this moment, and refers the matter to an original supposed common law incapacity of creating such a trust.

26. Would it have been superstitious in Roman Catholic times to have left money for the maintenance of a priest?

The usage certainly must have shown that it could not have been so, because, for instance, Henry the 8th's will directed the very thing to be done.

27. Has it ever been started in argument, that, since to say the mass is not illegal, all things comprised in the mass are also legal?

That is the argument which we have constantly held; the very case which a m alluding to was argued upon that theory; that inasmuch as the Catholic

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religion is legal, every part of the Catholic religion is legal, and you cannot imagine the Catholic religion without prayers for the dead.

28. Do you take no distinction between the mass as it is used for divine service, and the leaving of money for the specific purpose of saying masses for the soul of anybody?

No; it is impossible to draw a distinction.

29. Was not, in practice, that distinction observed in ancient times?

Never.

30. It could not have been illegal by common law to say mass?

The canon of the mass has been the same for time immemorial. There is no record of any period at which the canon of the mass did not contain the same obligation of praying for the dead, and commemorating the dead, which is in existence now. Perhaps your Lordship may have the impression of there being masses for the dead as distinct from other masses: there is a different form of mass, as to the introductory words, but the substance of the mass for the dead is the same as any other mass.

31. Admitting this alleged illegality to subsist, would you see any objection, notwithstanding that, to the handing in of a list, giving a description of the Roman Catholic Charities, if not to be published, yet for the information of Her Majesty's Government, who might perhaps communicate it to the Members of the Committee, under promise of secrecy, or might not; but it would be important for the Government, before legislation, to have such a list; do you see any practical objection or danger to handing in such a list?

I do not know who could make it out; it would be a work of enormous trouble and labour.

32. *Lord Privy Seal.*] You have no register of all the Roman Catholic Charities?

None whatever.

33. *Chairman.*] They may be indefinite?

Yes.

34. *Lord Privy Seal.*] You could give certain specimens, and leave the names in blank, if you liked?

I speak with great confidence upon this matter, for this reason, that when the present Master of the Rolls was Attorney-General this matter was a good deal discussed, and I had occasion to meet him with two or three persons particularly conversant with this question, with a view to dealing with an inquiry somewhat such as your Lordship has alluded to, and we then found that the difficulties would be almost insuperable, so great that the only course which could then be suggested, was to endeavour, in some way or other, to have a commission who could inquire into the matter, but it was found to be almost impracticable, and that it would involve so large an expense that I remember myself joining in opinion with other gentlemen, who were, perhaps, more competent than myself to state it, that it would be better worth the while of the Roman Catholics to abandon all the property which they held in England than to run the risk of the costs which might arise if there were a series of informations filed, such as might have been filed some years ago by persons who chose to run the risk of filing such informations.

35. Lord *Abinger.*] I think that that is a vain fear; still, admitting that danger to exist, would there be any objection to give, for the information of Her Majesty's Government, in confidence, such a reasonable account of these charities as would be a ground for legislation?

I can only say, that if I were called upon to put that practically into effect, I really should not know where to begin; I have not the most remote notion how I could get at such information; of course, if I were to go to individuals, it would rest with themselves whether they would give me the information or not.

36. To begin with yourself; could not you give us, with the leave of your clients, a very considerable account of the charities?

I should say not, because I do not possess, at this moment, a single document connected

connected with the subject of charity. I could speak from memory, if that were evidence, but I presume it would not be evidence. In many instances I could, no doubt, do it, by tracing back. In the fire at Lincoln's Inn, unfortunately, the deeds relating to several endowments, created by the late Lord Shrewsbury, were burnt. I dare say one might trace out copies of those deeds. One would know the names of the solicitors by whom they were prepared.

37. Without the deeds it would be sufficient in the first place, perhaps, to have the localities, the nature of the institutions, and the sources whence those charities were derived?

If you wish to know the institutions, a document called the Catholic Directory would give you every church or chapel in England.

38. Do all those come under the name of "charity"?

I should think so.

39. Is that generally apprehended?

Certainly; every one of them.

40. If any money, therefore, be left for the support of a church, or the building of a church, or the maintenance of a clergyman, that comes under the legal definition of a charity?

I should apprehend it would do so.

41. *Lord Privy Seal.*] That is supposing, of course, that it is endowed?

Yes; some are not endowed at all; many will be dependent upon what the bishop may be able to give them from funds which pious persons may have placed at his disposal. The late Mr. Blundell, for instance, left 15,000 *l.*, the interest of which is distributed amongst clergymen within the bills of mortality; that is part of their endowment.

42. Lord *Abinger.*] Do not you enjoy in that respect a privilege greater than that of the Established Church?

In what respect?

43. I believe that the Established Church is not entitled to receive charity from any quarter except from Queen Anne's Bounty, or by Act of Parliament?

I am not aware of that. I think your Lordship is under a misconception, except with reference to the Mortmain Act. There is one considerable exception, that the Established Church is entitled to receive a quantity of land, not exceeding a certain acreage, for certain purposes; that I have known acted upon, more or less; that is by a special Act of Parliament.

44. *Lord Privy Seal.*] There is a recent Act of Parliament enabling the Ecclesiastical Commissioners to accept endowments of that nature?

Yes; I believe there is not the least difference between the members of the Established Church and the Roman Catholic Church in the capacity of receiving and holding endowments, with the exception that if there be a condition annexed, such as we are referring to, of praying for the soul, the gift will be void in the case of Catholics. When I say "praying for the soul," there are two or three other words in the Act of Edward which go beyond that; there are obits, and lights, as well as prayers for the dead. Those are the three things, so far as I can make out, which might be brought within the purview of that statute; but, taking out any objections arising from those three circumstances, there is nothing to distinguish the Roman Catholics, in their capacity to receive endowments, from the members of the Church of England, or the members of any other religious community in England.

45. The same conditions apply to all religious bodies?

Yes; the same restrictions and the same difficulties; I am not aware of any difference.

46. From your statement, apparently, any charity to a church would come within the reach of a superstitious use?

If you could make out that the fund for the endowment of the church had that obligation annexed to it, it would be open to that objection.

47. Lord *Abinger.*] Supposing it was for the building and repair of the church only; would it be superstitious because in that church a mass was to be said for the soul of the dead?

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23d July 1857.

Yes, if it was annexed as a condition that mass was to be said; it ramifies in every possible way. I will assume that a church has been built, and that a nobleman's servant, who has been attached to the place for a long time (I am speaking of facts within my own knowledge), contributes some of his savings to an ornament in the church, to put up a window in the church, you would almost certainly find written upon it, "Pray for the soul of So-and-so, the donor of this window," or to that effect.

48. *Lord Privy Seal.*] In Lord Cottenham's judgment, the distinction seems to be taken, that to convert a purpose into a superstitious use you must be able to infer that the direct purpose was the benefit of the testator?

Yes.

49. But that that incidental benefit to the testator which might arise to him from masses being said generally, and his own name being included incidentally, would hardly constitute a superstitious use; does not that seem rather to be the inference to be derived from Lord Cottenham's language?

I think it is; but our impression is, that my Lord Cottenham was not conversant with the usages and practices of the Catholic Church in reference to this matter.

50. The case was never appealed, was it?

It was never appealed, because there was nobody to appeal; I mean, there was nobody who had a fund. Arrangements were made for its being appealed; but, unfortunately, they were not carried through from want of funds.

51. One would have thought that in so important a question as that involving a principle, it would have been appealed, for the purpose of having the law settled?

The question arising from that decision was discussed over and over again; but unfortunately, as I said before, it dropped through, in consequence of what I have mentioned. Perhaps your Lordships would excuse my stating that the validity, or rather the principles, of this decision were considered with reference to the present Bill by several lawyers with myself, and we endeavoured to embody what could be said upon it in a petition, which we presented to your Lordships' House.

52. *Chairman.*] In this Session of Parliament?

In this Session of Parliament. We endeavoured in that petition to state, as shortly as we could, the grounds upon which we consider that this matter rests, and particularly with reference to that decision.

53. Lord *Abinger.*] Do these charities issue generally out of land?

No; 99 times out of 100 they must arise out of money, because it is impossible by the law to create a valid obligation arising out of land; but there are some sufficiently old to be legally payable out of land as against mortmain.

54. There are charities which arise out of land which are in force?

There may be, but I am not very able to speak of the existence of them.

55. There are several cases of money left out of land to support a priest?

No; money left to support a priest out of land would be void by the Statute of Mortmain.

56. So it is void, but then the charity subsists, and the money has always been paid?

That may be so, but I really am not aware of such a case.

57. Mr. Riddell mentions two, one at Hexham, I think, and the other also in Northumberland; charities given by his ancestors?

I think I am tolerably familiar with the case to which your Lordship is alluding, and I think if that case is investigated, you will find that it is anterior to the Statute of Mortmain altogether. It would have made a very short and simple case instead of a most complicated one, if the charity had been void by mortmain.

58. It may be void; still it exists?

My impression is, that it existed long before the Statute of Mortmain. I happen to be conversant with that case, and, according to my recollection, the charity

charity existed in what I may call the darkest period of the Roman Catholic history, when no Catholic charity could have existed for a moment, if it had been known; and there were no less than three sets of deeds, one within another. You had one set of Protestant deeds for the public; you had a second set of deeds for trustees, to whom the Protestants were to account, who were not clergymen; and you had a third set of deeds, directing what individual clergymen should enjoy the benefit of the endowment; and that extremely complicated condition of things went on for a great number of years, till at last the charity vested in a particular individual gentleman by law; and then the question arose whether he, as the owner of the legal property, or the ultimate directors, the clergy, were to have the nomination to the living: and that is the way in which the question has stood for the last 25 or 30 years, a question in which neither party has thought right to push the other to an extreme decision; but it remains undecided to this day. The advice which I individually gave upon that very case was, to bring the matter at once into the Court of Chancery, under the strongest impression that the court would have looked at the ultimate recipient as the real owner, and would have directed the trusteeship to be regulated according to the ultimate trust declared in those deeds. But it was so complicated and so painful a case to be discussed in the courts, that it has not been brought into the courts; and it was anterior to the Statute of Mortmain, to the best of my recollection.

59. My question was directed as to whether any of these charities arose out of land, and when you stated that you thought very few of them did, and that you hardly recollected one, I mentioned this case, which undoubtedly arises out of land?
No doubt; but it was anterior to the Statute of Mortmain as I believe.

60. There are many others in the same condition?
That may be the case, no doubt; the parties may be paying them, though they may know that they could render them void if they liked.

61. But a great part of the charities consists of money?
I should think so.

62. That money was left probably to the clergy in trust for some charitable purpose?
It might or might not have been. A very frequent mode is to leave the property without any particular obligation.

63. *Lord Privy Seal.*] The obligation being understood?
No, not even that. I will take, for instance, a case with which your Lordships must be familiar, that of Mr. Blundell: Mr. Blundell left to Dr. Walsh from 60,000 *l.* to 70,000 *l.*, without the least obligation of any kind. He applied it in building a church here, a college in another place, and repairing a church elsewhere, and so on; he applied every sixpence of it for charitable purposes, according to his own discretion.

64. Lord *Abinger.*] Then to which description of property is it now sought that this Bill should apply; is it to the property as originally left by Mr. Blundell, personal property, or to the hereditaments, so to call them, to the houses which have been built with that property?
The object, as I understand it, is this: that whether it be in money now, or whether it be in land which can be legally applied, such as before the Mortmain Act, or whether it be in land, where the parties have not hitherto taken an objection, but might take an objection, we wish the objection to be removed in all classes of cases; retrospectively as to those where the objection has not been taken, and as to all others, universally.

65. The Bill then would apply, not to Mr. Blundell's bequests, but to the buildings which have been made with Mr. Blundell's legacies?
In Mr. Blundell's case there was no difficulty, for he left the money as money, to be applied at the discretion of Dr. Walsh.

66. *Lord Privy Seal.*] That would not be a charity at all?
No.

67. Lord *Abinger.*] But it has been applied to a church?

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It has been so applied *de facto* by the will of the person to whom the property was given.

68. *Earl Marshal.*] Dr. Walsh might have kept it back?
Yes.

69. *Lord Privy Seal.*] He might have put it in his pocket, and spent it in any way he pleased?
Certainly.

70. That would hardly be a charity, would it?
No, I think not. In the particular case of Dr. Walsh, it was clearly in evidence that he had never even spoken to, or had any communication in writing or otherwise with the donor.

71. Lord *Abinger.*] Then to those things you require no title; this Bill is useless as far as regards them?
The money has been handed over to certain trustees, who hold and enjoy it to this day by virtue of his gift.

72. Then that sort of possession requires no title from this Bill?
No, it does not; that is free from difficulty. The way in which it might possibly work would be this: that all the recipients of Dr. Walsh's bounty doubtless commemorate him in their prayers, but they do not do it by a legal obligation.

73. I am looking at it as Bishop Walsh's Charity, and as the subject of this Bill?
That is free by the existing law. We are not within any of the difficulties of praying for the dead there, because there is no obligation.

74. May I not take it as generally true, that when money, however acquired, is laid out in buildings for Roman Catholic religious purposes, including schools, it is laid out in charity, for which a title is now required?
It is laid out in charity undoubtedly, if a person chooses to give it, and the law allows him to give it, and if there is no annexation to it of praying for the dead. Under Mr. Blount's Act of 1832 it is free, because we are placed in the same condition as Protestant Dissenters, and they can hold and enjoy whatever endowments they like, provided they do not come within the provisions of the Statute of Mortmain.

75. But I understand you to say, that this is illegal, whether it be school or whether it be church, if prayers are said for the dead?
It is not illegal when the prayers are said by the voluntary act of those who choose to say them; that is the absurdity of it. If Bishop Walsh had annexed to his gift the obligation that mass should be said for his soul when he should die, or for his father's soul, and so on, it would have brought us immediately within the penalty of the law.

76. But if Bishop Walsh built a chapel where religious service was to be performed, and mass said, that would include prayers for the dead, and that is illegal?
No, the illegality consists in praying for the soul of the donor; not in praying for souls generally.

77. *Chairman.*] It does not consist in praying for the soul of the donor, but in giving money for that purpose?
Yes. Therefore, if Dr. Walsh had given money for the purpose of securing the praying for his soul, it would have brought his gifts within the law. Of course those who regulated the application of this money took care to avoid that.

78. *Lord Privy Seal.*] A person would wantonly incur that risk, would not he, by making that provision, because he would be prayed for as a matter of course, would he not?
He might, or might not. Persons, generally speaking, would prefer to have it left as a record, because strangers might come, and the fact might very soon be lost sight of who the founder was. For instance, in a church within my own knowledge, the donor has gone into another part of the country, and I suppose not 20 members of the congregation know who was the founder.

79. Lord *Abinger.*] But the simple fact of giving charity to say mass alone, as I understand you, would be illegal?

It is illegal, according to the decision of my Lord Cottenham, to annex to the gift the obligation of saying the mass for the soul of the donor.

80. *Chairman.*] I am very much inclined to think that there have been decisions that to give money to pay a priest to say mass, though not to say mass for the soul of anybody, but simply to celebrate mass, is a superstitious use, because it is a part of the prayer always used?

It was so, no doubt, before 1829; there could be no question about it; it would have been altogether illegal. Accordingly, such gifts were always considered and held as illegal; we could not go to the law to sustain them.

81. Lord *Abinger.*] I am endeavouring to make out what are the different classes of property for which titles are required; we have spoken of chapels; would schools be illegal also?

If you annexed to the foundation of a school, which you are aware is the case in 19-20ths of the old foundations, the obligation to say mass for the founder, it would, I think, be held to be illegal

82. *Lord Privy Seal.*] Or a fund for the distribution of clothing; in fact, whatever charitable purpose had this condition attached to it would be vitiated by reason of it?

Yes; for instance, in the case of the Manchester school, where I had the honour to be one of the counsel, and where a scheme was arranged, part of the foundation was, that the beginning of the service of every day should be to say a *De Profundis* for the soul of the founder, the Bishop of Exeter; and that is an obligation existing in the deed at this moment; but nevertheless it is an obligation which is inconsistent with the views of those who are connected with that school, and therefore I presume is not attended to. But if that foundation were made now for a Catholic charity, or for a Protestant charity, happening to have that condition, it would be held to be void by the law.

83. Lord *Abinger.*] Have you ever known such an illegality taken advantage of by information?

Yes, in numerous instances. It is not consistent with my duty to name them, but I could mention an instance where an objection was taken and prevailed, within the last few years, in a case where the endowment had been acknowledged and acted upon, and paid for a very long period—150 or 200 years; and yet the owner thought he had a right to enforce his rights before the law, and he took the objection, and there was an end of it. The charity is not paid, and no one would be unwise enough to attempt to enforce payment in the face of the existing decision.

84. *Chairman.*] The case of West *v.* Shuttleworth was an instance?

Yes.

85. That charity was lost?

Yes. I could mention a number of instances. The Attorney-general *v.* Todd was another case; but there I think the Act of Parliament came in; Mr. Blount's Act came in, and it was held to be retrospective, and therefore it was saved and protected. That was a school, I think.

86. *Lord Privy Seal.*] In fact, the complete protection which you would desire would be, that no charity should be held to be void by reason of a superstitious use?

Just so.

87. *Chairman.*] By reason of that particular superstitious use; because there might be some superstitious uses, such as founding a monastery, which could not be sanctioned?

That would be put upon a different objection.

88. What you would wish would be, first, that no charity heretofore established, which had annexed to it, expressly or impliedly, a condition that the soul of the founder, or the souls of any other deceased persons, should be prayed for, should on that account be void?

That is so.

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89. And, secondly, I suppose you would ask that prospectively, inasmuch as that is part of the doctrines, and dogmas, and service of the Roman Catholic religion, it should be considered as legal as any other part of the service?

Yes. With that view, Mr. Hope Scott, myself and two or three other lawyers, ventured to take the matter in hand, and not merely to present that petition to which I have referred, but to prepare two or three clauses which would embody what we thought would be the alterations required for our complete protection.

90. In this petition I observe you suggest a clause. You ask, that "it may be enacted, that no use heretofore or hereafter limited for the performance or maintenance of any part of the worship or devotional practices of the Roman Catholic religion shall, merely by reason of such purpose, be deemed to be void or unlawful as being superstitious, but every such purpose shall be deemed a lawful and charitable purpose." That might require some little qualification, because it might be part of the Roman Catholic doctrine and religion here to make public processions, as in some countries it is?

Yes; but we have met that by a clause declaring that no part of the Act of 1829, which addressed itself to those particular points, should be affected by the Act; therefore, as far as those matters are concerned, if the law makes them illegal we do not propose to alter it.

91. Have you those clauses to which you have alluded?

I have not got them here; I think we prepared three or four clauses.

92. *Lord Privy Seal.*] There can be no efficient security attached to the investigation requisite for submission to the Charity Commissioners without altering the law as to superstitious uses?

I think not. At the same time (of course your Lordship will understand me as giving my individual opinion), the present constitution of the charitable trust is so well protected from anything like a vexatious interference and investigation in these cases, that I for one should have great confidence in the existing Charitable Commissioners as protecting us to an extent to which unquestionably the former condition of the law would not have protected us.

93. Lord *Abinger.*] Have you looked lately at the 62d section of the Act to which you allude, namely, the 16th and 17th of Victoria, chapter 137, the title of which is "An Act for the better administration of Charitable Trusts"?

Yes, I have seen it.

94. I allude to the section which suspends the operation of the Act with regard to Roman Catholic charities for a certain time?

Yes.

95. Which time is likely soon to expire?

Yes, I think we are merely left out, if I remember rightly.

96. No, you are not merely left out; the section enacts, "Nor shall this Act, for the period of two years from the passing thereof, extend or be in any manner applied to charities or institutions, the funds or income of which are applicable exclusively for the benefit of persons of the Roman Catholic persuasion." Therefore, after the period of two years from the passing of that Act, this clause presumes that you would come under the Charitable Uses?

No doubt, and the reason of the suspension was, that in the meantime our difficulties might be removed.

97. Then there are several exceptions. It excepts Queen Anne's Bounty, the British Museum, friendly and benefit societies, savings banks, "or any institution, establishment or society for religious or other charitable purposes, or the auxiliary or branch associations connected therewith, wholly maintained by voluntary contributions"?

That does not touch us.

98. "And where any charity is maintained, partly by voluntary subscriptions and partly by income arising from any endowment, the powers and provisions of the Act shall, with respect to such charity, extend and apply to the income from endowment only, to the exclusion of voluntary subscriptions, and the application

application thereof; and no donation or bequest unto or in trust for any such charity as last aforesaid, of which no special application or appropriation shall be directed or declared by the donor or testator, and which may legally be applied by the governing or managing body of such charity as income in aid of the voluntary subscriptions, shall be subject to the jurisdiction or control of the said Board, or the powers or provisions of this Act"?

Yes, I apprehend that that would protect a great number of charitable institutions supported by voluntary contributions.

99. *Lord Privy Seal.*] Equally Roman Catholic or Protestant?

Yes; there are voluntary associations of Roman Catholics.

100. Lord *Abinger.*] A great many of the Roman Catholic charities are simply left, you say, as personal property?

Yes.

101. Is it within your knowledge that a good deal of that money has lately been applied to churches and chapels, and schools and institutions of that nature?

Yes, large sums have been expended for all the purposes to which your Lordship has alluded.

102. Has the money been borrowed from the charities in any degree?

Not within my knowledge, in any instance. I do not mean to say that there may not have been a temporary loan on one or two occasions, possibly, where monies were wanted, and where the funds were not immediately available; but I have never known an instance where they were not replaced, and where it was not known that they would be replaced at the time when they were borrowed.

103. I believe you divide the country into missions, do you not; there are Roman Catholic missions?

Yes.

104. Are not the persons superintending those missions generally the trustees of the charities?

No, I should think very unusually indeed.

105. I mean the clergy?

Very unusually indeed.

106. Do you mean that it is unusual for the bishops to appoint the trustees of the charities?

The bishop appoints, perhaps, two or three of his clergy as trustees for all the funds within his jurisdiction; it is much more easy to have two or three names of priests who are easily got at, and so on; but the donor may, and frequently does, appoint his own trustees, and of course they then act. I have, on several occasions, prepared for several bishops deeds to facilitate the transfer of the properties to trustees for the purpose of a more easy management of those properties, just as in the Middle Temple we appoint certain of the benchers trustees to hold the property for the society.

107. Do you mean, then, to represent that the priests and the bishops have no power over those funds?

Sometimes they have power, sometimes they have not. If there is a direct endowment, by which a certain sum of money is vested in trustees to pay the dividends to A. B., being the Roman Catholic priest at X. Y., the bishop has no power to divert it in the least; it would be contrary to his duty to dream of it.

108. Suppose that the charity was for the support of a priest; suppose that the priest was himself the trustee, or at all events the recipient of the charity; suppose him to be made a bishop; might not he retain the whole of the charity, though he no longer performed the service?

Certainly not; it would be a gross breach of duty, independently of his being a bishop, as could be well imagined.

109. Has not that happened repeatedly?

I have never known nor had the least suspicion of such an instance existing.

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110. Did it not happen in that very case of which you gave some account, in Northumberland?

Unquestionably not; there the money was retained in the hands of the trustee himself, as I believe.

111. Then I must say that your evidence is entirely contradictory of Mr. Riddell's?

I should be very sorry to have a personal controversy with any gentleman. If there was a breach of trust by a bishop, he would be amenable to the law, just the same as any other person; the only limit to it is, that the whole thing might be unlawful. It is not merely theoretical, but it is practical, because I have known funds replaced where there was a doubt about the true ownership, over and over again.

112. If any person shall have asserted that a very large proportion of the money belonging to these missions, say 120,000 *l.*, has been spent in institutions foreign to the intentions of the founders of the charities, and that thereby the clergy, for whose benefit these monies were left, are in a starving condition, is that within your knowledge true or untrue?

Within my knowledge, and I have very extensive knowledge, I believe the statement to be utterly untrue. I have myself acted, as I have already said, for every one of the bishops who were bishops in the year 1834, and for many years downwards; there were then four, I think. The only case in which I could have supposed anything of the sort would have been not in the north in the least. As far as I am aware, in the whole of the north and the middle of England, not one single shilling within my knowledge has ever been misappropriated by any bishop on any occasion. With reference to what your Lordship has put, so far from that being the case, it is within my knowledge that a larger sum than your Lordship has mentioned has been at the free disposal of bishops, who have applied the whole to the purposes of such charities as your Lordship has alluded to; and if there had been any misappropriations they would have had the means, and I have no doubt would most conscientiously have exercised them, of replacing anything which had ever been placed wrong. I mention that, because in one particular instance a fund, called "Johnson's Fund," for the support of the clergy in a midland district of England, had for a time been appropriated and lent in some other way. I, myself, under the direction of Dr. Walsh, out of the money which has been alluded to as coming from Mr. Blundell, set that matter right; and I had Dr. Walsh's instructions, over and over again, as far as any irregularity ever came under my notice in administering his affairs, to set the matter perfectly right. There is one observation which I have to make, but it is as to a matter of which I personally know nothing. I have heard that some funds in the west of England were laid out on property for Catholic purposes, upon the faith that that property was sufficient, and I have heard that some of those funds have not been realised, by reason of the property selling for less than it had been purchased for; but, with that exception, and that merely arising from a miscalculation of the gentleman administering the property with which he had been entrusted, and I know nothing personally of the matter. I do know personally, and I pledge myself to this statement, that I am not aware that, upon the fullest investigation, the charge could be substantiated of any bishop or clergyman misappropriating the funds to the extent of 5 *s.* from one fund to another; and I know that they have had the means of replacing much more than could ever have been improperly applied.

113. *Chairman.*] From your knowledge of the Roman Catholic charities, is it your opinion that they ever can be established as legal charities, unless the restrictions of the law as to saying masses for the dead are removed?

It is my opinion, unquestionably, that they cannot; we shall be beset with difficulties on every side if those objections are not removed; if they are removed we shall then be brought within the category of the rest of Her Majesty's subjects, and with that we shall be perfectly satisfied.

114. Lord *Wensleydale.*] That alone will answer your purpose?

That alone.

115. As to saying masses for the dead?

I think the Statute of Edward the Sixth names three things, masses, lights,—

which

which practically I do not know to exist,—and obits; there are three or four words in the Statute.

116. What are obits?
Obits are pretty much the same thing as masses for the dead, I apprehend.

117. What are lights?
The perpetual burning of lights before an altar or image.

118. *Chairman.*] Is the removal of the restriction as to that essential?
No, I do not think it is, but it is very desirable.

119. That is not usual in this country?
Not at all; I do not think that practically it is of very great importance.

120. If for instance it should be thought that public feeling would go along with the removal of the restriction upon saying masses for the dead, but would not go along with the other, it would practically not be of consequence?
Just so.

121. Lord *Wensleydale.*] But that custom is universal abroad?
Yes; for instance, on Sunday you would see the image of Our Blessed Lady and Our Lord with two or three lights before it. The objection is this, that if my lord duke, for instance, were to give 20*l.* a year to maintain such lights for ever, the Statute of Edward the Sixth, as construed by my Lord Cottenham's decision, would make it illegal and void; but it is not likely that that species of charity would arise in modern times, for I have never known an instance of the sort within my experience.

122. The objection is, not to the practice of having lights, but to the fact of giving a sum of money to maintain them?
For a perpetual light; that is the objection.

123. *Chairman.*] For all practical purposes, if it were declared that charities which had heretofore been given, should not be void merely because they expressly or impliedly contained in them an obligation, or an injunction to say masses, which would include masses for the souls of the founders, your charities would for the most part be established?
Yes, there is no question about that; this is ninety-nine hundredths of the difficulty. The objection is more a matter of feeling and principle than a practical difficulty, so far as I am aware.

124. Lord *Wensleydale.*] That is all, in fact, that you want?
Yes, that is all that I want, as far as my experience goes of the inconvenience, but not so far as regards the full toleration of the Roman Catholic religion.

125. Lord *Abinger.*] There is a practice which prevails abroad, of placing the image of the Saviour or the Virgin Mary at the corner of a road or a field, and sometimes it has a light, in order to attract the attention of the pious as they pass by?
Yes.

126. That was made illegal in England by a particular statute; that Act has been repealed?
My impression is, that that is now illegal, according to Lord Cottenham's decision.

127. *Chairman.*] Is not the public exhibition of a light illegal?
Yes. I think there are words which would extend to a light before an image placed in a public place; that is my impression; we do not want to establish such a practice. Perhaps your Lordships would allow me to state that the case to which one of your Lordships has asked my attention, is one which I should be exceedingly glad to have investigated before my Lord Chancellor. It is one of those cases which I think would show that there is an impression abroad, totally unwarranted by the facts, of something or other being wrong. That is a mere private dispute, whether the endowment belongs to A. or to B.; I believe that is the whole question. I allude to the case in the north about which I have been asked.

Mr. J. V. Harting.

23d July 1857.

MR. JAMES VINCENT HARTING is examined as follows:

128. *Chairman.*] YOU are a Solicitor?
I am.

129. And a Roman Catholic?
I am.

130. Have you been familiar with the Roman Catholic Charitable Endowments?
For the last 10 years I have been very familiar with them.

131. You have heard the evidence which has been given by Mr. Bagshawe?
I have.

132. He states that in his opinion, from his acquaintance with the Roman Catholic charities, they all, or almost all, contain expressly or impliedly an obligation on the parts of the recipients of the charities, or the priests connected with them, to pray for the souls of the founders?
That is so; it is not only the fact, but it is the law of the Church, so that if prayers were not made for the founder, the next of kin, or the heir of the founder, would have a right to go to the bishop and require his interference, in order to enforce the saying of those prayers, not merely by reason of the condition annexed, but as a condition imposed by the very nature of the gift.

133. Is that condition in some instances expressed in the gift establishing he charity?
Not in the deed of gift perhaps itself; in many cases it is expressed in the gift; in others it appears by endorsement; in others it appears by letter or other memorandum communicated to the bishop, or to the ecclesiastic officiating *qua* bishop for the time being.

134. And I suppose in old charities by usage?
In old charities by usage. But in some of the oldest charities the records are a great deal more perfect than in the modern ones.

135. Does your experience go along with Mr. Bagshawe's, that these charities date back as early as the beginning of the 17th century?
Some of them date back so far, unquestionably. As regards endowments, I am almost disposed to say that more than one-half would date back before the commencement of the last century, and that brings me to notice an Act which has not been referred to, namely, the 1st of Geo. 1, the second statute, chapter 50, by which all Catholic property given to superstitious uses was vested in the Crown absolutely by force of that Act, without office found, so that some remedy must be provided for that, or we cannot think of registering the deeds.

136. Does your experience go along with Mr. Bagshawe's, so as to say that you concur with him in the evidence which he has given?
In the general evidence certainly I do. With reference to what we should ask as a remedial measure now, I would take leave to add to what Mr. Bagshawe said, this observation. The second clause of the Bill, as now drawn, proposes to validate all our charities upon the enrolment of the deeds constituting those charities. Now, besides the endorsements which those deeds bear with reference to the subject-matter of the next section, namely, the superstitious use, there are other endorsements; those deeds relate in some instances to a variety of property, some of which has been lost by the apostacy (I do not use the word offensively, but in a Roman Catholic sense) of those to whom it was confided; and memoranda may be made of that apostacy. Your Lordships know that until a very recent period premiums were offered to children, by conforming to the established religion, to dispossess their parents. Records of those facts remain; and the bishops would be very sorry, by enrolling these deeds, to bring up a number of matters, which, of course, would cause great pain to families, and families of much account now in the kingdom. Therefore I would suggest that instead of enrolling the original deed, a copy might be enrolled, unless the precedent of the 9th Geo. 4, c. 85, was followed, which validated all deeds for charities (we were not then within the law, and therefore could not take advantage of it), although no enrolment had taken

taken place under the Act of George the Second. If that were done in our case, it would relieve us from a great deal of trouble. If that were not thought convenient, then there might be the option, instead of being required to enrol the original deed, of enrolling either the original deed or the deed declaring the trust.

137. Lord *Wensleydale.*] You do not want these original deeds to be known?
No, they should not be known; it would be very inconvenient, for many reasons.

138. Lord *Abinger.*] Do all these circumstances which you mention appear as parts of the deed?
Not as parts of the deed. Sometimes they are recited; sometimes they are minuted upon the deed to account for the loss of the property, or for the intentions of the parties not being fulfilled by reason of that loss; and then stating the circumstances as to the parties through whom that loss has arisen.

139. *Chairman.*] Those are generally transactions of a long time back, are they not?
Yes; some of them are comparatively recent.

140. How recent?
Some would date back to very shortly before the first Relief Act, the 18th of George the Third.

141. *Earl Marshal.*] There are some in the latter part of the last century, are there not?
Yes; some would come as late as that.

142. Lord *Wensleydale.*] You agree that the principal thing which you want is to legalise the saying of masses for the dead?
To take away the legal objection arising from what are called superstitious uses. I should mention that there are two classes of superstitious uses, one arising out of the supposed policy of the law as expressed in the Act of Edward the Sixth, and the other arising under the 23d of Henry the Eighth, chapter 10, which prohibits the endowment of any church or chapel, or any similar object, for any purpose, for more than 20 years. So recently as 1818 or 1819, a case occurred before Lord Chief Justice Abbott, the case of Doe on the demise of Wellard *v.* Hawthorne, in which a deed was avoided under that statute: it was a lease for a congregation of Dissenters of Lady Huntingdon's connexion. It should be observed, also, that the relief granted to Protestant Dissenters by the Toleration and subsequent Acts is conditional on their taking certain oaths, and subscribing declarations, which no Catholic can take or subscribe. The Act 2 & 3 Will. 4, c. 115, s. 2, substitutes for these, in the case of "schoolmasters and other masters professing themselves Roman Catholics," the oath prescribed by the Act 10 Geo. 4, c. 7, s. 2; but this substitution does not extend to any other classes, and consequently all others are excluded from the benefit intended by the Act of 1832; for by necessary construction they are forced back upon tests and penalties for recusancy, from which they had been relieved by the Acts 18 Geo. 3, c. 60, and 31 Geo. 3, c. 32. This should of course be remedied. Again, in all or nearly all Roman Catholic charities, the bishops for the time being, by virtue of their office, are constituted and declared to be the trustees or administrators of the charities, or the same are to be executed at their discretion, or under their immediate supervision and control. As the law now stands, Roman Catholic bishops in England and Scotland have not only no legal status, but their very existence is declared to be "unlawful and void," 14 & 15 Vict., c. 60. I would also observe that any Bill now to be passed for amending the law relating to Catholic charities must be expressly retroactive in its operation, in order to avoid all questions under the Succession Duty Act.

The Witnesses are directed to withdraw.

Ordered, That this Committee be adjourned to Monday next,
Half-past Three o'clock.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON THE

CHARITABLE USES BILL,

AND THE

ROMAN CATHOLIC CHARITIES BILL [H. L.];

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
15 *August* 1857.

278—Sess. 2.

Under 4 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON THE

CHELSEA NEW BRIDGE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
7 *August* 1857.

250—Sess. 2.

PROCEEDINGS OF THE COMMITTEE.

Martis, 28° *die Julii*, 1857.

MEMBERS PRESENT :

Sir F. Baring.	Mr. Jackson.
Sir Benjamin Hall.	Mr. P. O'Brien.
Captain Gray.	Mr. Hankey.
Mr. Clifford.	Mr. Blackburn.

Sir Benjamin Hall was called to the Chair.

The Committee deliberated.

[Adjourned till To-morrow, at Twelve o'clock.

Mercurii, 29° *die Julii*, 1857.

MEMBERS PRESENT :

Sir B. Hall.	Mr. Stafford.
Sir F. Baring.	Mr. Jackson.
Captain Gray.	Mr. O'Brien.
Mr. Clifford.	Mr. Hankey.
Sir De Lacy Evans.	Mr. Tite.

Preamble read, 1°.

Counsel for the Bill, Mr. *Alexander*; Agent, Mr. *Gardiner*.

Petitions against the Bill read.

1. Vauxhall Bridge Company:

   Agents, Messrs. *Newall*.

   Counsel, Mr. *Calvert*, Mr. *Jackson*.

2. Proprietors of Battersea Bridge:

   Agents, Messrs. *Pritt & Co.*

   Counsel, Mr. *Hope Scott*, Mr. *Burke*.

Mr. *Alexander* was heard to open the case in support of the allegations of the Preamble, and objected that the Petitioners had no *locus standi*.

Mr. *Calvert* was heard in support of the allegations of the Petition of the Vauxhall Bridge Company, and contended that under the 110th Standing Order, the Petitioners might be heard on the ground of competition.

Mr. *Hope Scott* was heard in support of the allegations of the Petition of the Proprietors of Battersea Bridge.

Mr. *Alexander* was heard in reply.

Room cleared, and Committee deliberated.

Motion

Motion made and Question put, "That the Petitioners may be heard" (Sir *F. Baring*).—The Committee divided:

Ayes, 6.	Noes, 2.
Sir F. Baring.	Mr. Jackson.
Captain Gray.	Mr. Hankey.
Sir De Lacy Evans.	
Mr. Clifford.	
Mr. Stafford.	
Mr. O'Brien.	

Parties called in and informed that the Committee had decided that the Petitioners had a right to be heard.

Mr. *Alexander* was heard to call evidence in support of the allegations of the Preamble of the Bill.

Mr. *Pennethorne*, examined by Mr. *Alexander*; cross-examined by Mr. *Calvert*; cross-examined by Mr. *Burke*; examined by *Committee*.

Mr. *Henry Arthur Hunt*, examined by Mr. *Alexander*; cross-examined by Mr. *Hope Scott*.

Rev. *Brymer Belcher*, examined by Mr. *Calvert*; cross-examined by Mr. *Calvert*; cross-examined by Mr. *Scott*.

Dr. *C. B. Aldis*, M. D., examined by Mr. *Alexander*; cross-examined by Mr. *Calvert*.

Mr. *Pennethorne*, examined by Mr. *Alexander*; examined by *Committee*.

Mr. *Calvert* was heard in support of the Petition of the Vauxhall Bridge Company against the Preamble.

Mr. *Hope Scott* was heard in support of the Petition of the Proprietors of Battersea Bridge.

Room cleared, and Committee deliberated.

Motion made and Question put, "That the Preamble of the Bill is proved."—The Committee divided:

Ayes, 3.	Noes, 5.
Sir De Lacy Evans.	Sir F. Baring.
Mr. Clifford.	Captain Gray.
Mr. Tite.	Mr. Jackson.
	Mr. O'Brien.
	Mr. Hankey.

The Committee agreed to a Special Report in connexion with the above decision.

Parties called in and informed thereof.

Ordered, To Report.

WITNESSES.

Mercurii, 29° *die Julii*, 1857.

James Pennethorne, Esq. - - - - - - - - pp. 1. 12

Henry Arthur Hunt, Esq. - - - - - - - - p. 7

Rev. Brymer Belcher, M.A. - - - - - - - - p. 8

C. J. B. Aldis, M.D. - - - - - - - - - p. 10

MINUTES OF EVIDENCE.

Mercurii, 29° *die Julii*, 1857.

SIR BENJAMIN HALL IN THE CHAIR.

29 July 1857.

Mr. *Alexander* appeared as Counsel for the Bill.

Mr. *Gardiner* appeared as Agent.

The Petition of the Vauxhall Bridge Company against the Bill was read.

Mr. *Calvert* and Mr. *Jackson* appeared as Counsel in support thereof.

Messrs. *Macdougall* and *Newall* appeared as Agents.

The Petition of Proprietors of Battersea Bridge against the Bill was read.

Mr. *Hope Scott* and Mr. *Burke* appeared as Counsel in support thereof.

Messrs. *Pritt & Co.* appeared as Agents.

Mr. *Alexander* was heard to open the case for the Bill, and contended, that the Petitioners, the Vauxhall Bridge Company and the Battersea Bridge Company, had no *locus standi* before the Committee.

Mr. *Calvert* was heard in support of his *locus standi.*

Mr. *Hope Scott* was heard in support of his *locus standi.*

Mr. *Alexander* was heard in reply.

The committee-room was cleared.

The Counsel and parties were again called in, and informed that the Committee had decided that the Petitioners might be heard.

James Pennethorne, Esq.; Examined by Mr. *Alexander.*

J. Pennethorne, Esq.

1. ARE you Surveyor and Architect to the Board of Works?—Yes.
2. And I believe the bridge opposite to Battersea Park has been constructed under your superintendence?—Not the bridge.
3. The park was laid out under your superintendence?—The park was.
4. Mr. Page, I believe, who constructed the bridge, is now unfortunately ill?—Yes, and unable to be here to-day.
5. How many acres of building land are there round Battersea Park, exclusive of the roads?—One hundred and four acres to be disposed of.
6. I believe about 21 acres have been sold to a railway company, who are about to establish a station there?—Twenty-one acres have been sold.
7. Is the bridge nearly completed?—It is in a very advanced state indeed.

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8. When do you think it will be opened to the public?—I understand that it is likely to be opened by Christmas.

9. Is it within your knowledge that a great number of the working classes, particularly those connected with building, inhabit the district on this side of the bridge?—There are a great many of the working classes who are employed by builders in that direction, and the workmen live near.

10. I presume it is intended that the land you mention shall be sold and let for the purposes of building?—The 104 acres is all to be applied to building purposes.

11. By the *Committee.*] On a certain plan laid down?—Yes.

12. Mr. *Alexander.*] Are the projected buildings laid down on that plan?—The ground to be built upon is shown upon that plan.

13. If those plots of ground are being sold or let for building purposes, you think the number of persons employed on those buildings would come over to Battersea from the north side of the river?—I think it is very likely they will.

14. What is your opinion as to the benefit which the public would derive by abolishing the foot-toll?—I think the abolishing of the toll would be beneficial to the building ground; it would be beneficial to the locality altogether, and therefore it would be beneficial to the building ground.

15. Which is let for the purposes of building by Government?—Yes.

16. You think that it would be beneficial to the persons who have occasion to use the bridge?—To the public.

17. And induce a larger number to resort to Battersea Park than if the toll was continued?—I believe it would.

18. By the *Committee.*] Supposing the Government will be interested in the construction of these buildings, and supposing that these working people, who live on the north side of the river, should be employed in the construction of these buildings, who will in reality have to pay the expense of going backwards and forwards in case the toll were to be retained, would it be these working people themselves, or their employers?—I should think the working people themselves. The course will be this: we shall let the ground to persons to build upon it; they will employ builders most likely on this side of the river, and their workmen crossing the river will pay their own toll.

19. Is there not competition on both sides of the river; would not the workmen on the north side of the river have a case of grievance against their employers on the south side, if they were to be employed at lesser wages than the workmen on the south side, owing to the toll on the bridge?—I do not think that would come into consideration. A man must go to his work.

20. Mr. *Alexander.*] You do not apprehend that the wages will be raised in consequence of the toll existing?—No.

21. It is impossible to say to what extent it would increase the value of the Government land on the Battersea side?—That would be entirely a matter of opinion; it is difficult to give an opinion; but it would improve it.

22. Do you think that the land would go off more rapidly in consequence of the toll being removed?—I think there would be a great difference in the letting of the land in regard to time.

23. As well as in the rental?—Yes.

24. By the *Committee.*] Is all this which is coloured red on the plan the land which is to be devoted to building purposes?—Yes.

25. Have you decided upon the character of the buildings to be put upon it?—Not yet.

26. Is any portion to be appropriated to buildings for the middle or lower classes?—There will be houses of all descriptions. There will be villas, good terraces, and also smaller houses at the east part of the ground.

27. Supposing there should be great works going on on the other side of the Thames, do you contemplate that there will be small tenements there?—We only contemplate letting the ground for building purposes.

28. You have not laid out any plan to regulate the parties building to say that such and such a class of property is to be built?—There are certain sites only applicable for small houses towards the east end of the ground.

29. The foot passengers being the only passengers contemplated under this Bill to go free, by what process do you look forward to an increased value of the land, if the land is not to be applied to the construction of small buildings?—Having the toll taken off the bridge will be an advantage to everybody living in the houses round the park.

30. Supposing

30. Supposing the Government recommended that the whole of the toll should be taken off, would that increase the value of the land?—Taking off the two tolls would benefit the land more than taking off one toll.

31. If the whole of the tolls were taken off, do you think that the land would be benefited to the extent of the amount which the bridge has cost the Government?—No, of course not.

Cross-examined by Mr. *Calvert*.

32. What is the estimate for the bridge?—I know nothing of the bridge, or of the estimates, except what is in the public documents.

33. What is the estimate for the bridge in the public documents?—£. 60,000.

34. Has it been built for 60,000 *l.*?—No.

35. What has it cost?—I believe somewhere about 90,000 *l.*

36. Who is the architect?—Mr. Page.

37. He will know all this?—Yes.

38. Is he here?—He is not here; he is ill to-day.

39. Is Mr. Page's foreman here?—I do not know.

40. Have you anybody here who can give me the actual cost of the bridge?—I have not anybody here.

41. You believe it will cost 90,000 *l.*?—Eventually it will cost 90,000 *l.*

42. How is the 60,000 *l.* to be paid?—I know nothing but from the public documents.

43. Do the public documents give any information upon that subject?—By the tolls.

44. The Act of Parliament said that certain persons were to put down their names for definite sums, which sums have been subscribed?—That is not my business; I have had nothing to do with those contributions.

45. You do not know how much the bridge has cost; and you do not know the sums subscribed in accordance with the Act; can you tell me the estimated income of the bridge?—I know nothing whatever, except what you have read from the report.

46. You know nothing about the estimate of what the yield would be, or the cost of it?—Nothing but what I have seen in that paper; it is not my business.

47. How many acres have the Government on the south side of Battersea Bridge?—Of building ground 104 acres.

48. Besides that there is the park?—Besides that there is the park.

49. What do you propose to do with the proceeds of the building ground?—That will be applied to the repayment of the monies that have been advanced by the Exchequer Bill Loan Commissioners.

50. In respect of the bridge?—No, of the park.

51. The proceeds of the 104 acres are to be confined entirely to the park?—Entirely to the park; they are two distinct undertakings.

52. Am I to understand that the 104 acres of building ground will go to replace the money spent upon the park, and has nothing to do with the bridge?—It has nothing to do with the bridge.

53. You do not know anything at all as to how the bridge is to be paid for?—No.

54. As far as you know, it depends entirely upon the toll?—Yes.

55. Of those 104 acres, what proportion is adapted for the houses of the working classes?—That will depend upon the letting of the ground, and the people who take it; there will not be any very large portion of it.

56. Can you give an idea of what the proportion will be?—I am not prepared to give you the proportion; but there would not be any very large proportion of it applicable to small houses.

57. The bulk of the land will be laid out in good houses or villas?—In villas and good houses.

58. As to those working classes, which you talk of crossing the bridge, do you say that they will cross either for the purpose of working in those houses, or to amuse themselves in the park?—For both purposes.

59. Are there not working classes already living on the other side?—Of course there are a great many on the south side as well as the north; but

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the men who are more likely to take that building ground are living on the north side.

60. What makes you say that?—Because the best of the builders are living on the north side; Mr. Jackson, and Mr. Cubitt's executors. Their workmen would cross the bridge to go to their work; there are a great many other builders on the north side.

61. Do you know whether or not Messrs. Cubitt are going to carry on any building there?—I only know that they have been lately looking at the ground, with some intention of taking a part of it.

62. Your idea is, that if Mr. Cubitt or Mr. Jackson, on this side of the river, do undertake any building there, they will send their own workmen to do the work?—Yes.

63. Supposing there are speculators on the other side of the river, they will find their workmen there?—Yes.

64. I presume there are plenty of men on that side of the river to do the work?—There are workmen on both sides, and the workmen on this side would benefit by the toll being taken off.

65. Supposing an undertaker wishes to employ men on this side, instead of the other, will not he have to pay the toll?—I should think not.

66. That depends upon the competition between the two workmen?—It depends upon many things.

67. You say there are grounds which will be much benefited by taking off the toll; are not there grounds adjacent to Vauxhall Bridge that would benefit by the taking off of the toll of that bridge?—Taking off the toll of Vauxhall Bridge would be a great public benefit.

68. If the Government are spending money in freeing the tolls of bridges, I presume it would do as much or more good if the relief were afforded to Vauxhall Bridge instead of Chelsea Bridge?—I have not turned my attention to the subject, but I think taking off the toll of Vauxhall Bridge could not fail to be an advantage to both sides of the river.

69. You say there is a certain plan; has this been settled as to the buildings on the 104 acres?—Yes, as far as the disposition of the ground goes.

70. Where are the buildings?—All the ground coloured red on the plan.

71. That is 104 acres?—Yes.

72. You have not settled what proportion there will be in small buildings and what in large?—All the principal part of the ground will be larger houses. Some portions of the ground at the east end, and perhaps a little of the extreme west, may be smaller houses. They will be larger and better houses if the toll is taken off than if the toll be kept on.

73. When you speak of the larger houses, what sort of rent do you mean, 40 *l.* or 50 *l.*, or 100 *l.*?—I think probably that some of the villas will run higher than that; many of the terrace houses will be 100 *l.* a year.

74. By the *Committee.*] Ground-rent?—No; the rent of the houses when built.

75. Mr. *Calvert.*] That extreme corner, and this corner, are likely to be filled with smaller houses?—They will be applicable to small houses.

76. Even that is not settled?—It depends upon the letting of the ground.

77. Is not some portion of it already sold?—Twenty-one acres.

78. Whereabouts is that?—The ground coloured brown on the plan.

79. To whom is it sold?—To the West End and Crystal Palace Railway Company.

80. They are coming down here?—They are to make a station to the water.

81. Is it sold for a definite sum, or at a rent?—A definite sum.

82. If I understand rightly, the taking off of the toll would not only be a good thing to the persons there, but it would benefit the Crystal Palace?—It would benefit the public going to the station.

83. And also, of course, the company?—I do not know that the company will benefit.

84. Whose gardens will be the more frequented the more frequented and cheaper the access is?—The ground will be appropriated to the station, and all the people going to the station will be benefited.

85. As to these workmen on the north side of the river; do you think they will quit Hyde Park, to which they have access, in order to go and amuse themselves at Battersea?—A great many, no doubt, will go to Battersea Park.

Cross-examined by Mr. *Burke*.

86. I observe by the plan you propose buildings on both the east and the west sides of Battersea Park?—On both sides.

87. And on the west side you propose a better class of buildings?—A better class.

88. At what rental do you anticipate the houses will let which are proposed to be built at the west end of the park?—They will be very various; I dare say the houses at the west end may vary from 60 *l.* to 100 *l.* a year.

89. Have you let any land for those houses?—Not yet.

90. Have you advertised any?—Not yet.

91. Have you made a calculation of the comparative distance it would be to those west-end houses by your bridge, as compared with Battersea Bridge, from the neighbourhood of Belgravia?—Going to where?

92. How far is the west end of your park, where you propose to build the houses, from Ranelagh Bridge?—4,000 feet.

93. How far is it from Battersea Park?—From the park gate it is about very nearly the same, from the west lodge.

94. I am talking of the western extremity, where you propose to build; I do not see it on this plan?—That plan is quite wrong.

95. Where do you propose to erect the buildings at the west end?—(*The Witness pointed out the spot on the Plan.*)

96. How far are those houses there from Ranelagh Bridge?—4,000 feet.

97. And how far from Battersea Bridge?—Very little short of that.

98. Have you made any calculation of the relative amount of revenue derived from carriage and horse traffic, as compared with the foot traffic?—I have not formed any calculation with regard to the tolls.

99. Have you ever made any calculation of what the toll would be arising from both?—I know nothing of the tolls except what I have seen in the report.

100. There has been a calculation made?—Mr. Page has made a calculation.

101. Will any calculation be submitted here of the anticipated amount of the traffic over Ranelagh Bridge?—I only know in regard to the park.

102. Mr. Page is the only person who knows what is the amount expected to be derived from the tolls?—So far as I am aware.

103. He is not coming?—He is ill.

104. By the *Committee.*] Any money derived from the 104 acres will be applied merely to the park, and not to the bridge?—Not to the park, to the refunding of the money.

105. On that understanding the grant was given by the House of Commons?—Yes.

106. Has any estimate been made of the probable rental from ground-rents of the 104 acres?—It is difficult, at present, to give an estimate of what the rents will be, but they may eventually produce 10,000 *l.* a year.

107. That is the best opinion you have been able to form?—Provided time is allowed for letting, and it goes on prosperously.

108. Do you not think that there will be a material difference in the letting of those plots of land, whether the new bridge is a toll bridge or a free bridge?—I think the taking off of the toll would benefit the land in two ways; it would increase its value, and it would let more rapidly.

109. Do you think that any estimate could be formed; do you think it would not make a very material difference in the value of the rental of the land?—I think it would be dangerous to state any figures; I should not like to pledge myself to any.

110. You would not like your views to be known to the public what your opinion of the value of the land is?—I do not know as to that; I could not form an opinion as to the increased value.

111. What would be the cost altogether of the Battersea Park?—The entire cost, including the interest on the borrowed money, would be 330,000 *l.*

112. And 8,000 *l.* additional to that voted this year?—Yes.

113. If this bridge is an open bridge, do you think you will get such an increased value from the land as to recoup the capital which the Government has applied in the construction of it?—There is very little doubt that the 200,000 *l.* now

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now due to the Exchequer Loan Commissioners will, in the course of years, be repaid.

114. Facilitated by the bridge being open?—The land would be let quicker, and therefore it would be paid off sooner.

115. Without an accurate estimate, do you think that it would be at all out of the way to suppose that 2,000 *l.* a year would be derived from the 104 acres?—That would be 20 per cent.; and I should not like to say 20 per cent., 10 or 15 per cent. perhaps; of course, if it were made a free bridge altogether, it would materially increase the value of the land.

116. I am directing my questions to an entirely free bridge; supposing at some future time it were to be made an entirely free bridge; do you think it would be an extraordinary estimate to value the increased rental at 2,000 *l.*?—I think a great many would so value it; I am responsible for the estimates, and I should not like to pledge myself to any figure.

117. Supposing it were thrown open altogether, do you see your way to the Government being repaid for the money advanced to a greater extent than they would be by having a toll upon it?—Certainly.

118. The effect of taking the toll off will be to recoup the Government the money they have sunk in the property at first?—It will not only have that effect, but it will bring it about more speedily.

119. Therefore the public would be sooner put in the position of having the money returned to them in the absence of all tolls?—Yes.

120. As between the public and the speculation it will be sooner squared off?—Yes.

121. You can give us information about the park?—Yes.

122. What has the park cost, and what have the public paid for the park?—The park, I think, has cost about 330,000 *l.*

123. How has the money been found?—Some of it has been voted; it has all been voted, I think.

124. How much has been voted?—£.200,000 has been advanced by the Exchequer Loan Commissioners, and 108,000 *l.* has been voted.

125. Is that exclusive of the land?—That includes everything.

126. Does that include the value of the land granted?—The land has been purchased out of that money.

127. The 108,000 *l.* is not intended to be repaid at all?—No.

128. Has any part of that 200,000 *l.* been repaid yet?—No.

129. How long is it since the park was completed?—The public have had access to it since March.

130. Do I understand rightly, that if these 104 acres are improved, the whole of the improvement will go to the repayment of the 200,000 *l.*?—Yes.

131. Have you made any estimate about the likelihood of the repayment of that 200,000 *l.*?—There are the 104 acres; we have already got 60,000 *l.* towards the repayment from the railway company; the 104 acres will eventually sell at a price which will leave little doubt about the repayment.

132. When?—It depends entirely upon how long the land is being let; it may be 10 years.

133. Can you form any sort of estimate when it will be repaid?—I cannot make any; it depends upon the time in which the ground goes off.

134. You are speaking of the railway company; this sale which you speak of is to the railway company?—Yes.

135. As far as regards letting, you have not commenced?—We have not.

136. What has been done with the 60,000 *l.*?—The money is not payable yet for some years to come; three or four years, about four.

137. There remain 140,000 *l.* to be liquidated?—Yes.

138. Supposing that this 140,000 *l.* would then remain to be liquidated, and 10 years elapsed before you got rid of the land, still the accumulating interest would, you think, be repaid?—We never consider the interest.

139. Mr. *Burke.*] Is there any time limited for paying that 60,000 *l.*?—About four years.

140. Mr. *Calvert.*] Is the question of the payment at all affected by the question of whether it be a free bridge or not?—Not in any way.

141. By the *Committee.*] Is the money which the company are to pay, amounting to 60,000 *l.*, to be paid by instalments?—Yes, I think it is; in the meantime they pay interest.

142. Four

142. Four per cent.?—Four per cent.

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143. When the sums are paid, amounting to 60,000 *l.*, they are to be paid to the Exchequer Loan Commissioners in repayment of a portion of the money advanced?—As the money comes in it will go in liquidation of that debt.

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144. I collect from your evidence that you cannot say precisely how much the value of the property which is to be let for building purposes will be increased by the abolition or reduction of the toll, but you believe that it will be increased?—I have no doubt it will be increased.

145. And what you seem to lay stress upon is, that not only would the value be increased, but the property would be let off quicker than it would otherwise be?—Yes.

146. Would it be largely increased in your judgment?—I do not like to give any figures; I think it would.

147. Would the whole of the district be increased in value?—Both sides of the river.

148. Are there 104 acres in addition to the 20 sold to the railway?—Yes, besides that.

[The Witness withdrew.

Henry Arthur Hunt, Esq., Examined by Mr. *Alexander*.

149. ARE you Surveyor of Works and Buildings under the Board of Works?—Yes.

H. A. Hunt, Esq.

150. I suppose you are acquainted with the locality and with the circumstances of Battersea Park and Ranelagh Bridge?—Yes.

151. I dare say you are well acquainted with the large building establishments on the north side, such as Mr. Jackson's and Messrs. Cubitt's?—Yes.

152. Do you think that it would be beneficial to the working classes if the foot tolls were abolished on the bridge?—There cannot be a doubt about it that the working classes will be benefited.

153. In reference particularly to the expected buildings in Battersea Park, and the laying out of Battersea Park, do you think it would be beneficial in respect to those two particulars?—Yes.

154. Do you think that the abolition of the foot tolls upon the bridge will add to the value of the Crown property in Battersea Park?—Yes.

155. Do you agree with Mr. Pennethorne in thinking that it will be beneficial to the Government property in point of time, as well as in value, by being let or sold more readily?—The effect will be that it will let more readily, from the increased value that it will derive.

156. I dare say you can give me a calculation of the tolls, in the absence of Mr. Page, upon the bridge, when completed?—I know nothing about it, except from the report.

157. It may be taken from the report at 6,000 *l.* a year?—It is in the report.

158. Do you know what it would cost to complete the bridge?—The estimate for the bridge was 70,500*l.*, and the total cost, when completed, will be 94,266 *l.*

159. That outlay was to be re-couped by the tolls upon the bridge?—Yes.

160. The calculations as to the value of the building land in Battersea Park are founded upon the supposition that the whole of the tolls would be continued?—That value will be increased by the abolition of the toll.

Cross-examined by Mr. *Hope Scott*.

161. What kind of houses do you anticipate will be built near the park?—That is not in my department.

162. You have said that throwing open the bridge to foot passengers will increase the value of the property; do you think that the property is likely to have houses built upon it which will be inhabited by a class of persons to whom the foot toll is an important matter?—My opinion, as surveyor of the Board of Works, is, that the chief part of the land will be covered with houses letting at from 35*l.* to 40*l.*

163. Inhabited by people likely to walk to London in their daily business?—Yes.

164. Is that the usual practice for that class of people?—They cannot afford to ride.

H. A. Hunt, Esq.

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165. Will there be a couple of hundred houses, do you suppose?—I have not calculated the number.

166. Are there no countervailing difficulties in letting the whole of the population, which at present pay to go over Vauxhall Bridge and Battersea Bridge, go freely over the new bridge into the neighbourhood of this building property, so offering a premium to the population to go there; do you think that that will be in favour of the building prospects you speak of?—I think so.

167. The more the better?—Yes.

168. You would like a constant fair to be held in Battersea Park?—No, I should not.

169. There is a limit?—The bridge being the stream for the population to pass over, would first of all bring to the notice of a great number of persons the land which we have to let in the park, and also induce people, by the ready means of access, to take houses there.

170. They would have the benefit of a suburban residence, with a stream of passengers like that at Charing-cross?—No; that is going to extremes.

Re-examined by Mr. *Alexander*.

171. Even supposing that a free bridge would not be of much value to the persons inhabiting that superior class of houses, I presume it would be convenient to the tradesmen resorting to those superior houses?—It is quite manifest.

172. Independent of the working classes altogether?—Certainly.

[The Witness withdrew.

The Rev. *Brymer Belcher*, M.A., Examined by Mr. *Alexander*.

Rev. *B. Belcher*, M A.

173. OF what district are you the minister?—I am incumbent of St. Gabriel's, Pimlico.

174. To what limits does the district of St. Gabriel's, Pimlico, extend?—From Warwick-street on the north to the river on the south, and from the gas works on the east to the canal on the west.

175. Are the gas works near Vauxhall Bridge?—They are near to Vauxhall Bridge.

176. How far in a westerly direction does the district extend?—As far as the mouth of the canal, near Chelsea Hospital, close to the approach of the bridge.

177. How long have you been the minister of that district?—I have been curate of the mother district of St. Peter's, Eaton-square, twelve years; I have been minister of St. Gabriel's four years; I have been curate four years and minister eight years.

178. Of later years you have been minister of St. Gabriel's, which embraces the district you describe?—The whole of the time I have been curate of that district.

179. Has that ministration made you acquainted with the poorer inhabitants and the working classes of that district?—Yes, certainly.

180. Are you aware that Battersea Fields have been converted into Battersea Park?—Yes.

181. And that Ranelagh Bridge is on the point of completion, communicating with the Battersea Park?—Yes.

182. Do you think that the abolition of the foot tolls on that bridge would be a benefit to the working and poorer classes of the district with which you say you are acquainted?—The bridge would be utterly useless unless the tolls were abolished, utterly useless.

183. Their means would not afford them the power of resorting to the park either for recreation or business?—It would operate as an entire bar.

184. Do those working classes form a large proportion of the population in that district?—I have very few of what may be really called rich people. I have a large number of the middle class, and 2,000 might be called poor. There is a great part of the district inhabited by the middle classes, people with 100*l.* or 200*l.* a year.

185. Are

185. Are many of the working classes in your district connected with the building trade; we hear that there are large establishments in that neighbourhood, Mr. Jackson's and Messrs. Cubitt's; do many of the working classes belong to those establishments?—I do not know that the majority of them do. Certainly a good many are connected with different builders. I should suppose with other builders more than Cubitt's.

186. You speak generally with respect to all the poorer inhabitants of your district, that the continuance of the foot tolls would be a bar to their availing themselves of Battersea Park?—That is my opinion entirely.

187. And the abolition of the toll would be a corresponding advantage?—Certainly.

Cross-examined by Mr. *Calvert*.

188. Supposing the Government were going to spend money in rendering toll bridges free, which do you think would confer the most benefit on your neighbourhood, Vauxhall Bridge or Chelsea New Bridge?—To the public?

189. Yes; would it be about equal?—I think the new bridge would confer most benefit.

190. Why?—Because people can afford to pay for business, and not for pleasure, very often.

191. You think it is business across Vauxhall Bridge, and pleasure across Battersea Bridge?—Yes.

192. The pleasure being walking about Battersea Park?—Undoubtedly.

193. Is that in respect of the persons of from 100*l.* to 250*l.* a year?—Quite as much as the lower class. I should never go across the bridge with my children if the toll were on it.

194. As to these persons having 200*l.* or 250*l.* a year, do they often go to St. James's Park?—I believe a great many try to go there, and to Hyde Park.

195. Is not the distance which many of your parishioners would have to go to St. James's Park less than the distance they would have to go to Battersea Park?—No, not from the poorer parts.

196. Whereabouts are the poorer classes?—All along the river bank.

197. The other classes of 100*l.* and 200*l.* a year are more inland?—Far more.

198. They are as near St. James's Park as Battersea Park?—The persons who live on the north side, near Warwick-street, are persons of 400*l.* or 500*l.* a year. The persons of 100*l.* to 250*l.* a year inhabit the part leading right down to the river.

199. What sort of trades are they in your parish?—Every trade under the sun.

200. Including that of selling gin, I am afraid?—Yes, and making it.

201. Is there a pretty equal distribution among the different trades?—Yes; certainly there is a fair sample.

202. What should you say was the proportion of the poorer classes?—About 2,000.

203. Would they be divided amongst 30 or 40 trades?—Yes, quite.

204. Fifty?—Thirty trades, certainly.

Cross-examined by Mr. *Hope Scott*.

205. Do you know that the Royal Hospital grounds are open to the public?—I believe they are; I was never in them in my life.

206. Open daily?—I do not know; I have never been inside them.

207. By the *Committee*.] Are those grounds as near as Battersea Park?—I apprehend there is a great difference in the size of them. The Royal Hospital grounds are not so near, and another point is that the approach from my district to the Royal Hospital is so infamous that no respectable person would go through it.

208. Do not you know that a new street is to be made?—It is not made at present.

[The Witness withdrew.

C. J. B. Aldis, M.D., Examined by Mr. *Alexander*.

C. J. B. Aldis, M.D.

29 July 1857.

209. ARE you one of the medical officers of health for St. George's?—St. George's, Hanover-square.

210. And you are physician to the dispensary at Pimlico?—I am.

211. Have you had much experience in attending to the poorer classes of that part of London?—I have since 1850.

212. You are aware of the manner in which Battersea Fields have been converted into Battersea Park, and the bridge nearly completed?—Yes.

213. I dare say you know the Royal Hospital Gardens?—Yes.

214. Is there any comparison to be made in point of size between the Royal Hospital Gardens and Battersea Park?—I should think not.

215. As you are physician to the dispensary, and a medical officer to the St. George's district, may I ask you whether, in a sanitary point of view, the abolition of the toll on the new bridge would be very beneficial?—Most beneficial.

216. Perhaps you will give your reasons to the Committee for coming to that conclusion?—That neighbourhood is particularly subject to epidemic disease. From a report I made to the parish of St. George's, Hanover-square, which the vestry ordered to be printed, it appears that the deaths from cholera and diarrhœa in St. George's, (this is from the Registrar-General's Report, 1848 to 1849, page 7, Part Second) the population in 1851 being 66,652, were as follows: deaths from cholera; males, 59; females, 72; total, 131.

217. Give us the totals?—Deaths from cholera and diarrhœa, 200; and in the subsequent invasion of the disease, 341 deaths; and prior to that the small-pox was severe.

218. So that whenever epidemics have raged, they have been felt in the district you are speaking of?—Yes.

219. Is that one of the reasons for your advocating the freedom of passage of persons to a healthy state of atmosphere in Battersea Park for the purposes of health and recreation?—It is so.

220. You are recommending the abolition of the foot tolls in a sanitary point of view?—In a sanitary point of view; there are a great number of poor residing there; it is generally believed that there are not; but there are, extending from Buckingham Palace to Ranelagh Sewer, blocks of houses containing a large population of the poorer classes.

221. That class of persons would not go over the bridge if there were anything to pay?—No doubt they would not if they had to pay a halfpenny.

222. You do not know the acreage of the hospital grounds?—No; the bridge will reach close to the poorer houses of the Pimlico district, the Commercial-road, and about there; it would be tantalising for them to see the park, and be unable to go over on account of having a toll to pay.

Cross-examined by Mr. *Calvert*.

223. What part of this district is your experience particularly applied to?—Over the district comprised within the boundary of the Pimlico and St. Barnabas Dispensary; from the Palace to Ranelagh Sewer.

224. That is down to Chelsea?—Yes.

225. How long is it since you were in St. George's-street, which runs to Thames Bank, near the river, between Vauxhall and Battersea?—I do not think that comes within my district; I am acquainted with it; I ought to visit the whole of the district.

226. From Buckingham Palace to Ranelagh Sewer?— Yes.

227. Are you in the habit of visiting it?—I am.

228. Are people of all kinds of trade living there?—Yes.

229. Is there a pretty equal distribution?—Yes.

230. You say that it would be of great importance to have a free bridge for many of the poorer classes to avail themselves of?—Yes.

231. Should not the object be, if money is to be spent in freeing bridges, to find a bridge near a place where the greatest number of the poorer classes are congregated together?—Yes.

232. Are not there numbers of places in London where the poor are more numerous?—Certainly.

233. In a sanitary point of view, would not it be better to free those bridges rather than Chelsea?—There is sufficient room, no doubt, for sanitary improvement.

234. There is a greater demand in other places?—Unquestionably.

235. You would apply the benefit contemplated in this Bill to wherever the poorer classes are most thickly congregated together?—Yes, certainly.

Cross-examined by Mr. *Hope Scott.*

236. Your district abuts at one end upon the Palace?—Yes.

237. Close to St. James's Park?—Yes.

238. At the other end it abuts very nearly upon the Royal Hospital at Chelsea?—Yes; Ranelagh Sewer would be the boundary.

239. Besides the hospital grounds, there was formerly a small ground at the back of the hospital, called Burton's Court; do you know that?—I do not know it by that name.

240. You know the inclosure, with fine trees in it, at the back of the hospital?—Yes.

241. On the other side of the hospital comes Cheyne Walk?—Yes.

242. Which is, I believe, one of the prettiest terraces about London?—Yes.

243. And that runs up very nearly to Battersea Bridge?—Yes.

244. And affords a more pleasant view of the river, and also a more healthy walk, than anywhere else in the neighbourhood of London?—There is a disagreeable manufactory on the other side of the river, which extends its influence to this side, and there is an unpleasant smell.

245. Is that manufactory close to Battersea New Park?—Yes; there is more space there. Those smells admit of dilution: the more open the space the better.

246. And the nearer you are to it the better?—No.

247. With regard to this park, is not it the fact that it occupies one of the lowest sites in the neighbourhood of London?—It is so.

248. Below high-water mark?—It is so.

249. You think walking about among miasmata is likely to be beneficial to health?—I think it would be far more beneficial for the poorer classes to be walking there than to be pent up in their own close blocks of houses.

250. That is on the supposition that they must be so pent up?—To a great extent they must be.

251. There is St. James's Park at one end, and Chelsea, and Cheyne Walk, and the King's-road, which soon ceases to be densely built upon, at the other end, and a not very difficult access to Hyde Park by Sloane-street?—The King's-road is built upon, I think, as far as Cremorne Gardens, and it is not a very agreeable walk there.

252. Up to Hyde Park how far is it?—Not far; a great number of poor reside near the Commercial-road, and Ebury-square, Ebury Farm-row; horrid places they live in; Spring Gardens.

253. They are nearer St. James's Park than Chelsea, are they not?—I should say not.

254. How far are they from Hyde Park?—About eight minutes' walk.

Re-examined by Mr. *Alexander.*

255. Where is this manufactory?—On the opposite side.

256. Near Battersea Bridge?—On the south side of the river, near Battersea Bridge.

257. So that when the wind blows across Battersea the fumes of that manufactory come there?—Yes.

258. On the contrary, when the wind blows in the other direction, it blows to the other side?—Yes.

259. Do you know the extent of the place which has been spoken of with the fine trees in it, at the back of Chelsea Hospital?—I know that.

260. What is the size of it?—I should think very much smaller than Battersea Park.

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261. An acre and a half?—Perhaps so.

262. By getting into Battersea Park, you would have the free air of the river on the one side, and an uninterrupted country to the southward on the other?—Yes.

263. All free?—You would.

264. Do you know the extent of Battersea Park, independent of the buildings?—I do not.

265. Two hundred acres, is it not?—Yes, I dare say it is.

266. Can any fair comparison be drawn between that and the Chelsea Hospital grounds?—I think not.

267. By the *Committee.*] Do you know how many persons have frequented the Park since March last?—No.

268. Do you know the level at which Chelsea Hospital itself stands as regards high water?—I do not; in my own district it is 12 feet.

269. Do you know the gardens, and the land behind; is that below the level?—Above.

270. Do you recollect first descending some steps, and then, when you go to the river, ascending again?—Yes.

271. You cannot give any notion of what that ascent is?—No.

272. Does that ascent induce you to believe that it is below high water?—Yes, it does.

273. I believe the level of Chelsea is higher than that of Battersea?—Yes, it is.

274. With regard to sanitary considerations, which do you consider most important, the level, or the nature of the soil, or the drainage?—The level is of essential importance; that it should be a high level; but still persons may suffer from neglecting sanitary precautions nearly as much on a high level as a low.

275. On account of what?—The want of drainage and the soil.

276. Is Chelsea more or less healthy than Battersea?—I am not prepared with evidence upon that; but it is rather a high mortality at Chelsea; in my own district the mortality for the whole district is 18 per 1,000; still in this overcrowded locality I have ascertained that the mortality in my district (the Belgrave district) was, in comparison with the in-wards of Saint George's, in times of epidemic, in the proportion of three to two; but the mortality is nearly equalised when epidemics do not prevail.

277. In point of fact, you know that the level of Chelsea is higher than that of Battersea?—I do not know.

278. Do you know that the basement floors in Belgrave-square and Lowndes-square are below the level of high-water mark?—I do not know the levels; Saint George's Hospital is 54, and then at Eaton-square it is 24, and it becomes reduced to 12 upon some parts; the mean elevation of the Belgravia sub-district above Trinity high-water mark is 12 feet. Those levels are taken in accordance with the Ordnance datum, which is 12·50 below high-water mark.

[The Witness withdrew.

James Pennethorne, Esq., is further Examined by Mr. *Alexander*, as follows:

J. Pennethorne, Esq.

279. CAN you furnish the Committee with the number of persons who visited the park in any one day since the park was opened in March?—The numbers were taken on one Sunday, the attendance being greater on a Sunday; 7,000 people entered the park.

280. Have you any record of those who crossed the river on foot and by the other bridges?—The only means of getting across is by ferry boat; steamers do not run; 700 people went across in ferry boats.

281. And 6,300 people went into the park by other modes of access?—Some went by the other ferry boat from the Cadogan Pier; some went from Lambeth, and some went from Clapham, and some from Wandsworth.

282. That is the only day on which the numbers have been recorded?—Yes.

283. You can give, cannot you, the comparative size of the Chelsea Hospital grounds and Battersea Park; how many acres about are there in Chelsea Hospital?—It depends upon what you include; the part actually open is under 13 acres.

284. What

284. What is the part that will be open to the public in Battersea Park?—200 acres.

285. That would be 13 acres against 200 acres?—Yes.

286. By the *Committee.*]—You selected one particular Sunday; was it done on any other day?—It was on a Sunday, soon after its being opened.

287. Immediately after its being opened, and it being a novelty in the district?—Yes, it was. It was opened in March, and the numbers I have given were taken about two months after it had been opened.

288. You have not the numbers on any other day?—The numbers were only taken on one day.

[The Witness withdrew.

Mr. *Calvert* was heard in support of the Petition of the Vauxhall Bridge Company against the Bill.

Mr. *Hope Scott* was heard in support of the Petition of the Proprietors of Battersea Bridge.

The committee-room was cleared.

The Counsel and parties were called in, and informed, that the Committee had come to the decision that the Preamble of the Bill was not proved, and that they had agreed to a special Report.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

CHELSEA NEW BRIDGE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
7 *August* 1857.

250—Sess. 2.

Under 3 *oz.*.

REPORT

FROM THE

SELECT COMMITTEE

ON

COMMITTEES OF SUPPLY;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
11 *August* 1857.

Jovis, 16° *die Julii*, 1857.

Ordered, THAT a Select Committee be appointed "to consider the present Forms for the conduct of Public Business in Committees of Supply, with power to report their Observations thereupon to The House."

Lunæ. 20° *die Julii*, 1857.

Committee nominated of,—

Sir D. Norreys.	Sir James Graham.
Lord John Russell.	Mr. Walpole.
Sir George Grey.	Sir H. Willoughby.
Mr. Disraeli.	Colonel Wilson Patten.
Sir F. Baring.	Mr. Dillwyn.
The Chancellor of the Exchequer.	Lord Hotham.
Mr. Henley.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Martis, 21° *die Julii*, 1857.

Ordered, THAT Mr. Fitzroy and Sir Robert Ferguson be added to the Committee.

Veneris, 31° *die Julii*, 1857.

Ordered, THAT Mr. Wilson be added to the Committee.

Martis, 11° *die Augusti*, 1857.

Ordered, THAT the Committee have power to Report their Opinion to The House.

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REPORT.

THE SELECT COMMITTEE appointed "to consider the present Forms for the conduct of Public Business in COMMITTEES OF SUPPLY, with power to Report their Observations and Opinion thereupon to The House,"——HAVE considered the Matters to them referred, and agreed to the following RESOLUTIONS:—

Resolved,

1. THAT in a Committee of Supply the present mode of putting the question on an Amendment for a reduction of a Vote be altered.

2. THAT in a Committee of Supply a Member be at liberty to take the opinion of the Committee on any item contained in the Vote.

3. THAT when an Amendment is proposed to leave out or to reduce a particular item of a Vote, the Question shall be put from the Chair whether the proposed reduction (specifying the item) be agreed to.

4. THAT when several Amendments to different items are proposed, they shall be taken in the order in which they appear in the printed Estimates.

5. THAT when a Motion shall have been made and question put for the reduction of any item, no question for the reduction of any preceding item shall be put.

6. THAT when any reduction or reductions shall have been agreed to, the Vote so reduced shall be put from the Chair.

11 *August* 1857.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 24° *die Julii*, 1857.

MEMBERS PRESENT:

Sir F. Baring.	Colonel Wilson Patten.
Sir Denham Norreys.	The Chancellor of the Exchequer.
Mr. Walpole.	Sir Henry Willoughby.
Mr. Dillwyn.	

Sir Denham Norreys was called to the Chair.

The Committee deliberated as to their course of proceedings.

[Adjourned till Monday, at One o'clock.

Lunæ, 27° *die Julii*, 1857.

MEMBERS PRESENT:

Lord John Russell.	Sir Denham Norreys.
Sir Robert Ferguson.	Sir James Graham.
Mr. Dillwyn.	Colonel Wilson Patten.
Sir Francis Baring.	Mr. Walpole.
Mr. Henley.	

Motion made, and question, "That Lord John Russell do take the Chair" (Sir *D. Norreys*), put, and agreed to.

The Committee deliberated.

[Adjourned till Friday next, at One o'clock.

Lunæ, 3° *die Augusti*, 1857.

MEMBERS PRESENT:

Lord John Russell, in the Chair.

Mr. Walpole.	Sir H. Willoughby.
Sir James Graham.	Mr. FitzRoy.
Mr. Dillwyn.	Sir F. Baring.
Sir Denham Norreys.	Sir R. Ferguson.
Colonel Wilson Patten.	The Chancellor of the Exchequer.
Mr. Disraeli.	Mr. Henley.

The Committee deliberated.

Proposed Resolutions read 1°, as follows (Sir *D. Norreys*):

"1. A general discussion on the principle or policy of a Vote may be raised on the Chairman announcing the purpose of the Vote, and the amount required.

"2. Such general discussion may be raised by moving a question analogous to 'the Previous Question,' or by a Resolution affecting the principle or expediency of the Vote.

"3. If

" 3. If there be no discussion, or when the Committee shall have decided that it will proceed with the consideration of the Vote, the Chairman shall ask if there be objection to any item in it.

" 4. If no objection be raised to any item, the Chairman shall put the question on the Vote.

" 5. If objection be raised to one item alone, the Chairman shall put the question on that item.

" 6. If required to do so, the Chairman shall read out all the items which compose the Vote in their proper order.

" 7. If required to read out all the items of a Vote, the Chairman may read them out 'shortly,' without putting the question on any item until it shall have been challenged.

" 8. If debate arise on any item, the discussion shall be confined to that item, until it shall have been disposed of by the question being put.

" 9. If an item be challenged, the question shall be put (whether it be for reduction or omission) on that item alone, separate from the rest of the items composing the Vote.

" 10. No item of a Vote which shall have been read out by the Chairman, and been passed, shall subsequently be made the subject of debate.

" 11. The final Vote shall be taken on the aggregate of the several items which have been agreed to, without reference to the amount originally required.

" 12. On such final Vote, a debate may be raised, and a lesser sum may be proposed, but no proposition to diminish the amount of the Vote, by subtracting therefrom an item which shall have been previously agreed to, shall be permitted.

" 13. If the Committee shall think proper to assign Reasons for modifying or omitting any item, or shall agree to any Resolution in reference to the Vote, or any item thereof, such Reason or Resolution, so agreed to, shall be reported to The House.

" 14. On report of Supply, the House may assign Reasons for omitting or modifying any Vote or item agreed to in the Committee, and such Reasons shall be entered in the Journals."

" *Note.*

" Sections 1 & 2—Enable the Committee to discuss the general principle or policy of a Vote, irrespective of its details.

" Sections from 3 to 10—Regulate the proceedings of the Committee when examining the details of a Vote.

" Sections 11 & 12—Enable the Committee to consider whether, although the principle or policy of a Vote may have been conceded, and its details assented to, it would not be more expedient to carry out the object of the Vote gradually, by reducing the present amount to be granted, than by granting the entire sum required at once."

" If the principle of Sections 1, 2, 11, and 12 be adopted, the question will be raised, whether, in such general discussions, a Member shall be allowed to speak twice."

Proposed Resolution read 1°, as follows (Sir *Denham Norreys*): " That if a debate shall arise in Committee of Supply on any item of a Vote, and that a motion be made in respect of it, the discussion shall be confined to that item until the Committee shall have decided on it; and the question shall be put on that item alone, separate from the other items composing the Vote."

Motion made, and question put, " That the said proposed Resolution be now read a second time." The Committee divided:

Ayes, 3.	Noes, 9.
Sir Denham Norreys.	Mr. Walpole.
Mr. Dillwyn.	Sir J. Graham.
Sir H. Willoughby.	Colonel Wilson Patten.
	Mr. Disraeli.
	Mr. FitzRoy.
	Sir F. Baring.
	Sir R. Ferguson.
	The Chancellor of the Exchequer.
	Mr. Henley.

Proposed Resolution read 1°, as follows (Mr. *FitzRoy*): " That no such practical difficulty has been found to arise from the existing mode of putting the question in Committees of Supply as would make it advisable to introduce an alteration in the present practice."

Motion made, and question proposed, "That the proposed Resolution be now read second time." Question put. The Committee divided:

Ayes, 6.	Noes, 6.
Mr. Walpole.	Mr. Dillwyn.
Sir J. Graham.	Sir D. Norreys.
Mr. Disraeli.	Colonel Wilson Patten.
Mr. Fitzroy.	Sir H. Willoughby.
The Chancellor of the Exchequer.	Sir Francis Baring.
Mr. Henley.	Sir R. Ferguson.

Whereupon the Chairman declared himself with the Noes.

Proposed Resolution read 1°, as follows (Mr. *Wilson Patten*): "That in Committee of Supply the present mode of putting the question on an amendment for a reduction of a Vote be altered, and a question be put whether the proposed reduction of the Vote be agreed to."

Motion made, and question proposed, "That the proposed Resolution be now read a second time." Question put. The Committee divided:

Ayes, 7.	Noes, 4.
Mr. Dillwyn.	Sir J. Graham.
Sir D. Norreys.	Mr. Disraeli.
Colonel Wilson Patten.	Mr. FitzRoy.
Sir H. Willoughby.	Mr. Henley.
Sir F. Baring.	
Sir R. Ferguson.	
Chancellor of the Exchequer.	

Resolved, "That the further consideration of the said proposed Resolution be postponed till the next meeting of the Committee."

[Adjourned till Friday next, at One o'clock.

[Afterwards, further adjourned till Tuesday, at One o'clock.

Martis, 11° *die Augusti*, 1857.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. FitzRoy.	Colonel Wilson Patten.
Sir F. Baring.	The Chancellor of the Exchequer.
Sir D. Norreys.	Sir R. Ferguson.
Mr. Walpole.	Sir James Graham.
	Sir H. Willoughby.

Proposed Resolution further considered.

Amendment proposed, to leave out all the words from the word "altered" to the end of the proposed Resolution (*The Chancellor of the Exchequer*).—Question, "That the words proposed to be left out stand part of the proposed Resolution," put, and negatived.

Proposed Resolution as amended read.

Question put, "That the proposed Resolution as amended be agreed to." The Committee divided:

Ayes, 5.	Noes, 3.
Sir F. Baring.	Mr. FitzRoy.
Sir D. Norreys.	Mr. Walpole.
Mr. Wilson Patten.	Sir J. Graham.
The Chancellor of the Exchequer.	
Sir H. Willoughby.	

1. *Resolved*, "That in a Committee of Supply the present mode of putting the question on an amendment for a reduction of a Vote be altered."

Proposed Resolution read 1°, as follows (*The Chancellor of the Exchequer*): "That whenever a motion is made in Committee of Supply for any reduction of a proposed Vote, a distinct question shall be put for every reduction of such Vote; and if any such reduction or reductions shall be agreed to, a question shall be afterwards put upon the Vote so reduced."

Proposed Resolution read a second time. Amendment proposed to leave out from the word "That" to the end thereof, in order to add the words "In a Committee of Supply a Member be at liberty to take the opinion of the Committee on any item contained in the Vote" (Sir

(Sir *F. Baring*), instead thereof. Question put, "That the words proposed to be left out stand part of the proposed Resolution." The Committee divided:

Ayes, 2.	Noes, 6.
Colonel W. Patten.	Mr. FitzRoy.
The Chancellor of the Exchequer.	Sir F. Baring.
	Sir D. Norreys.
	Mr. Walpole.
	Sir James Graham.
	Sir H. Willoughby.

Words added.

Question put, "That the proposed Resolution as amended be agreed to. The Committee divided:

Ayes, 5.	Noes, 3.
Sir F. Baring.	Mr. FitzRoy.
Sir D. Norreys.	The Chancellor of the Exchequer.
Mr. Walpole.	Sir J. Graham.
Mr. W. Patten.	
Sir H. Willoughby.	

2. *Resolved*, "That in a Committee of Supply a Member be at liberty to take the opinion of the Committee on any item contained in the Vote."

The following proposed Resolutions (Sir *F. Baring*) were severally read a first and a second time, amended, and agreed to:

3. "That when an amendment is proposed to leave out or to reduce a particular item of a Vote, the question shall be put from the Chair whether the proposed reduction (specifying the item) be agreed to.

4. "That when several amendments to different items are proposed, they shall be taken in the order in which they appear in the printed Estimates.

5. "That when a motion shall have been made and question put for the reduction of any item, no question for the reduction of any preceding item shall be put.

6. "That when any reduction or reductions shall have been agreed to, the Vote, so reduced, shall be put from the Chair."

Question, "That the Resolutions agreed to by the Committee be reported to The House," put, and agreed to.

Ordered to Report.

REPORT

FROM THE

SELECT COMMITTEE

ON

COMMITTEES OF SUPPLY

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
11 *August* 1857.

261—Sess. 2.

Under 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

COUNTY AND DISTRICT SURVEYORS, &c. (IRELAND);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
13 *August* 1857.

270—Sess. 2.

Martis, 14° *die Julii*, 1857.

Ordered, That a Select Committee be appointed to inquire into the Duties, Functions, and Mode of Remuneration of County and District Surveyors in Ireland; and also as to the best Mode of Examination to be henceforth adopted in reference to such Officers with a view to establish a system of competition, and secure to the public the services of the best qualified Candidates.

Jovis, 16° *die Julii*, 1857.

Committee nominated of—

Mr. George Alexander Hamilton.	Mr. Macartney.
Mr. Herbert.	Mr. Deasy.
Lord Naas.	Mr. Magon.
Mr. Lygon.	Mr. Waldron.
Sir W. Somerville.	Mr. Hassard.
Mr. Seymour Fitzgerald.	Mr. Cooper (Sligo).
Mr. Macarthy.	

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 13° *die Augusti*, 1857.

Ordered, That the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the Duties, Functions, and Mode of Remuneration of COUNTY and DISTRICT SURVEYORS in *Ireland*, and also as to the best Mode of Examination to be henceforth adopted in reference to such Officers, with a view to establish a system of competition, and secure to the Public the services of the best qualified Candidates; and who were empowered to report their Observations, together with MINUTES OF EVIDENCE taken before them, to The House;—— HAVE considered the matters to them referred, and have agreed to the following REPORT:—

1. THAT the institution of county surveyors, under the 6 & 7 Will. 4, c. 116, for the superintendence of county works, has been attended with great public advantage, both as regards the improvement of county roads and works, and as regards the economising the county funds.

It will be seen from the return (Appendix, No. 1), that while the mileage of roads under repair had increased from 13,191 miles in the year 1834 to 36,703 miles in the year 1854, the cost of repair had increased only from 228,316 *l.* to 312,297 *l.*, and that at the same time the per-centage cost of superintendence was reduced materially in almost every county. Considering the increase in traffic, and the large increase in wages since 1834, this result must be regarded as very satisfactory. An able and efficient class of county officers has been formed, taking charge now of nearly every county work, and controlling an expenditure of little short of half a million annually; and Your Committee are of opinion, having regard to the importance and proved utility of the office of county surveyor, that the time is come when it is expedient to reconsider the office, both as regards its duties and remuneration, with the view of placing it on the most efficient footing for the public service.

The county of Tipperary has been divided for Grand Jury purposes severally into two ridings, with a surveyor attached to each. The counties of Cork and Galway have been divided for the purposes of county surveyors; the counties of Donegal and Tyrone have two county surveyors each; the county of Dublin, under the 7th & 8th Vict. c. 105, has three district surveyors; each of the other counties in Ireland have one county surveyor, constituting 40 in the whole. The duties of the office are fully set forth in the Report of the Commissioners appointed in 1842, to inquire into the system of Grand Jury Presentments, as also in the 6 & 7 Will. 4, c. 116. They comprise, however, so many details, as to render it nearly impossible that they can be discharged fully by any county surveyor in person, within the time limited for their performance. To remedy this evil, the Commissioners of 1842 recommended that the office of county surveyor should be abolished, that each county should be divided into districts, and a surveyor appointed for each district, with six circuit engineers, to be appointed by the Board of Works.—Report, p. xxx.

Your Committee concur in the opinion expressed by General Sir John Burgoyne, and other witnesses they have examined on this subject, that the change would not be desirable. It would entail probably a large additional expense upon counties, while it would necessarily introduce for the subordinate office of district surveyors a class of officers inferior to the present county Surveyors.

But inasmuch as many of the duties now required to be discharged by the county surveyors are of a nature requiring rather accuracy and fidelity than any considerable scientific or engineering acquirements, Your Committee are of opinion, that for the discharge of those subordinate duties the county surveyor in every case, as the 6 & 7 Will. 4, c. 116, seems to have contemplated, should have adequate local assistants.

2. With regard to these assistant surveyors, the Commissioners of 1842 have remarked (Report, p. xii), that the discretion left to Grand Juries has been exercised very variously: the same remark is applicable at the present time. In the whole of Ireland there are 121 assistant surveyors. In Antrim, where the roads are of a first-rate description, there are 12 assistants, with 1,020 miles under repair, and the per-centage cost of superintendence is under three per cent. In Galway East there is but one assistant, with 1,106 miles under repair, and the per-centage cost of superintendence is 5 ½ per cent. A similar disparity will be found to exist in reference to many counties. In the opinion of Your Committee it would be a material improvement upon the present system if counties were to be divided into districts according to some common principle, but having reference to the peculiar circumstances of each county, and that there should be an assistant for each district.

Vide 724, 725.

3. The county surveyors complain of the inadequacy of their present salaries. The Grand Jury Act fixes 300 *l.* a year as the maximum, including travelling expenses. It has been stated in evidence that the necessary outgoings in travelling and hotel expenses, connected with the proper discharge of a county surveyor's duty, may be taken as amounting to at least 100 *l.* a year. Considerable additional duties have likewise been imposed upon county surveyors within the last 10 years. Roads made during the period of the famine, under the Relief Acts, have been given up to the counties, and placed under the supervision of the county surveyors. Important public roads, made by the Board of Works in some counties, and piers and harbours, have likewise been placed in charge of grand juries and county surveyors; and, recently, in cases in which turnpike tolls have been abolished, these turnpike roads, for superintending which the county surveyors in many instances received payment from the trustees, are now placed under their supervision, without any remuneration.

Your Committee are therefore of opinion that the county surveyors have a fair claim for some increased remuneration, and they suggest that a classification should be made of the counties in Ireland, having reference to their area, population, mileage of roads, and other considerations; that a salary should be fixed adequate to the extent of the duties, in first, second, and third-class counties.

As regards assistant surveyors, Your Committee concur with the Commissioners of 1842, that the present salary of 50 *l.* is insufficient to secure the services of competent and trustworthy persons, and they recommend that in the case of assistants likewise, the salary should be somewhat increased, so as to secure the entire of their time and services.

Your Committee are strongly of opinion that the cost of providing a really efficient supervision of county works, so far from entailing any additional charge upon counties, would be productive of increased economy as regards the application of the county funds; they consider that there is no system more calculated to check abuses, and to insure the economical and beneficial expenditure of public money, than that of a county engineer, with intelligent and trustworthy local assistants or overseers.

4. Your Committee have examined almost every witness respecting the best mode of ascertaining the qualifications of candidates for the office of county surveyor. It appears that the preliminary examination required under the provisions of the 6 & 7 Will. 4, c. 118, was one of the first established for admission into any civil office; the examinations are stated to have been conducted with much care; and the list of candidates, at least since the examination in 1851, to have been returned to the Lord Lieutenant in the order of merit; but they appear to have been wanting in the publicity, both before and after the examination, which is desirable in order to constitute a proper competitive system. Your Committee concur in the opinion expressed by Mr. Griffith, the experienced Chairman of the Board of Works, that the Board of Examiners

Examiners should consist of one civil engineer, one county surveyor, and one gentleman of high scientific attainments; that the examiners should be changed occasionally, probably one to go out by rotation after each examination, and that they should be paid an honorarium for each examination.

Although the vacancies which may be expected to occur in the offices of county surveyors may not be numerous, yet Your Committee, attaching great importance to the principle of competition for appointments in public offices, have reason to believe, from the evidence of Mr. Galbraith (550) and other witnesses, that under an improved system of competitive examination for such vacancies as might occur, with publicity before and after, and on the principle of the examinations now established for the engineers and artillery at Woolwich, there would be found not only a larger number of competitors for every vacancy, but that other important public advantages would arise therefrom.

The appointment to a vacancy of the first in order of merit might be provisional for the first year, subject to confirmation or disapproval by the Grand Jury after that period.

With regard to the assistant surveyors, while Your Committee admit that the duties proposed to be assigned to these officers may not require any large amount of engineering or scientific knowledge, yet considering the facilities now afforded for instruction in almost every branch to the middle and working classes in Ireland, it does not appear impossible to establish such an examination for candidates, even for the offices of assistant surveyors, as would secure for the public the services of more efficient persons, and likewise create a very useful stimulus to education among these classes. They therefore suggest that the examinations for assistant surveyors, which the Grand Jury Act now requires, should be rendered more effective; and that when vacancies occur examinations should be held. The Board of Examiners would no doubt frame questions suitable for the office of assistant surveyors; and if an examination for this class of officers were to be held at stated periods, suppose once a year, due publicity given beforehand, and a list published in order of merit, leaving it to the county surveyors to make their selection for provisional appointments, subject to confirmation, out of that list, Your Committee are of opinion that a great improvement would be effected in the system of supervision by the class of assistant surveyors.

5. In any amendment of the Grand Jury law, it will be desirable to empower Grand Juries, in case of disability arising from accident in the service of the county, or after a lengthened service, to grant superannuation to county surveyors.

6. The question of permitting county surveyors to take private business has engaged the anxious attention of Your Committee; on the whole, they consider it desirable that it should be at the discretion of the Grand Jury to permit or prohibit it.

7. There are several minor defects in the Grand Jury law of Ireland, connected with the functions of county surveyors, to which the witnesses who have been examined have drawn attention; the principal one is the want of a fund to make provision for the payment of the labourers in money when county works are given in charge to county surveyors; and in any amendment of the Grand Jury law, Your Committee recommend that provision should be made for this purpose.

8. The circumstances and system of the county of Dublin differ from those of other counties. The thoroughfares, converging at the metropolis, are of much importance, and require peculiar attention. There are three district surveyors; and funds exist, through the system of making presentments on estimate, and through the instrumentality of a finance committee, of paying for all works as they proceed, on the district surveyor's certificate. Your Committee see no reason for altering that system, further than giving the Grand Jury the power, if they deem it expedient, to authorise the appointment of an overseer, to act as assistant to each district surveyor, and to apply the system of competitive examination on future vacancies in the office of district surveyor.

13 *August* 1857.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 20° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. G. A. HAMILTON called to the Chair.

Mr. Macartney.	Mr. Macarthy.
Mr. G. A. Hamilton.	Mr. Cooper.
Mr. Waldron.	Mr. H. A. Herbert.
Mr. Lygon.	

The Committee deliberated as to their course of proceeding.

[Adjourned to Friday next, at Twelve o'clock.

Veneris, 24° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. HAMILTON in the Chair.

Mr. Macarthy.	Mr. Waldron.
Mr. Hassard.	Mr. Lygon.
Mr. Cooper.	Sir W. Somerville.
Mr. Herbert.	Mr. Macartney.

The Committee examined Mr. *Alexander Tate*.

[Adjourned till Tuesday next.

Martis, 28° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. HAMILTON in the Chair.

Mr. Hassard.	Mr. Waldron.
Mr. Macarthy.	Mr. Cooper.
Mr. Macartney.	Mr. Seymour FitzGerald.
Mr. Herbert.	Mr. Magan.
Mr. Lygon.	

The Committee examined Rev. *Joseph Galbraith* and Mr. *Henry Brett*.

[Adjourned till Friday next, at Twelve o'clock.

Veneris, 31° *die Julii*, 1857.

A quorum not being present the Committee was adjourned to Tuesday next, at Twelve o'clock.

Martis, 4° die Augusti, 1857.

MEMBERS PRESENT:

Mr. G. A. HAMILTON in the Chair.

Mr. H. Herbert.	Lord Naas.
Mr. Cooper.	Mr. Lygon.
Mr. Macarthy.	Mr. Macartney.
Mr. Magan.	

The Committee examined Mr. *Henry Stokes*, Mr. *Charles Lanyon*, and Mr. *John Leslie Worrall.*

[Adjourned to Friday next, at Twelve o'clock.

Veneris, 7° die Augusti, 1857.

MEMBERS PRESENT:

Mr. HAMILTON in the Chair.

Mr. Herbert.	Mr. Lygon.
Mr. Magan.	Mr. Waldron.
Mr. Macartney.	

The following witnesses were examined: Sir *John Burgoyne*, Mr. *John Hill*, Mr. *Horace Uriah Townsend.*

[Adjourned to Tuesday, at Twelve o'clock.

Martis, 11° die Augusti, 1857.

A quorum not being present the Committee was adjourned to To-morrow at One o'clock.

Mercurii, 12° die Augusti, 1857.

MEMBERS PRESENT:

Mr. HAMILTON in the Chair.

Mr. Herbert.	Mr. Waldron.
Mr. Macarthy.	Mr. Lygon.
Mr. Macartney.	

Draft Report proposed by the Chairman, read 1°.

Draft Report read 2°, and considered paragraph by paragraph.

Paragraphs 1, 2, 3 amended, and agreed to.

Paragraph 4 read; several amendments made.

Amendment proposed (Mr. *Herbert*), to leave out from the words "among these classes" to the end of the paragraph. Question put, "That the words proposed to be left out stand part of the paragraph." Committee divided.

Ayes 3.	Noes 2.
Mr. Hamilton.	Mr. Herbert.
Mr. Macarthy.	Mr. Lygon.
Mr. Waldron.	

Paragraph as amended agreed to.

Paragraph 5 read and agreed to.

Paragraph 6. Amendment proposed (Mr. *Lygon*), after the word, "desirable," to insert the words, "That it should be at the discretion of the Grand Jury to permit or". Question, "That those words be there inserted," put and agreed to.

Paragraph as amended, agreed to.

Paragraphs 7 and 8 agreed to.

Question, "That this be the Report of the Committee," put and agreed to.

Ordered to report; together with the Minutes of Evidence.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	FROM WHENCE SUMMONED.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Alexander Tate	District surveyor	Dublin	10	8 – –	10 10 –	18 10 –
Henry Brett	County surveyor	Wicklow	11	8 – –	11 11 –	19 11 –
Joseph Galbraith	Clergyman	Dublin	3	4 10 –	3 3 –	7 13 –
Henry Stokes	–	Tralee, co. Kerry	13	11 – –	13 13 –	24 13 –
Charles Lanyon	County surveyor	Belfast	5	8 10 –	5 5 –	13 15 –
John Leslie Worrall	Civil engineer	Dublin	6	6 6 –	8 8 –	14 14 –
H. U. Townsend	County surveyor	Abbeylus	3	3 17 –	3 3 –	7 – –
John Hill	–	Tullamore	3	3 17 –	3 3 –	7 – –
				TOTAL £.		112 16 –

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Veneris, 24° *die Julii*, 1857.

MEMBERS PRESENT.

Mr. Cooper.
Mr. G. A. Hamilton.
Mr. Hassard.
Mr. Henry Herbert.
Mr. Lygon.
Mr. Macarthy.
Mr. Macartney.
Mr. Waldron.
Sir William Somerville.

GEORGE ALEXANDER HAMILTON, Esq., IN THE CHAIR.

Alexander Tate, Esq.; called in, and Examined.

1. *Chairman.*] DO you hold any office in connexion with the supervision of Public Works in the county of Dublin?—Yes.

2. Will you state what it is?—District Surveyor.

3. How long have you held that office?—Since the commencement of 1845.

4. Can you state under what authority you derive your appointment?—The 7th & 8th Victoria, chapter 106.

5. Will you state briefly the general provision of the Act of Parliament with reference to district surveyors in the county of Dublin?—The appointment of the surveyors is provided for by the 6th section of the Act; the Lord Lieutenant in Council has the power of appointing the number of the districts; this being done, the appointment to office is actually made by the grand jury of the county from a list of persons qualified.

6. The Lord Lieutenant in the first instance is empowered to appoint the number of the districts into which the county is to be divided for the purpose of surveyorship?—Yes; and he has the determining of the salaries.

7. The grand jury are empowered, the number of the districts being determined, to fix their boundaries?—Yes.

8. Subject only to this condition, that no barony is to be divided?—Yes.

9. With regard to the mode of appointing the district surveyors for the county of Dublin, will you state generally the provisions of the Act of Parliament in that respect; is there a preliminary examination?—Yes, there is a preliminary examination for the office; a list of persons who have obtained certificates of qualification for the office is returned to the grand jury, and they have the power of appointment out of that list.

10. That is to say, the grand jury are to appoint out of a certain number of persons, certified by a Board of Engineers to be duly qualified?—Precisely so; the 7th section gives that provision with reference to the examination; the Lord Lieutenant of Ireland at any time may "appoint a Board of three civil or military engineers, to act without salary or emolument in Dublin, who shall from time to time examine into and certify the qualifications of persons desirous to act as district surveyors," and, after sufficient examination, "shall give a certificate to any person who, in their opinion, shall be only and properly qualified;" and it

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shall be lawful for the grand jury "at any succeeding presenting term to appoint, from amongst the persons who shall have obtained such certificate, one surveyor for each road district, at such salary and subject to such augmentation, as shall have been so fixed and determined by the Lord Lieutenant in Council."

11. When this Act was brought into operation in the county of Dublin, how many districts were appointed by the Lord Lieutenant?—Three.

12. And surveyors, of course, were directed to be appointed accordingly?—Yes.

13. A preliminary examination was of course held under the Act?—Yes.

14. Were there many candidates who submitted themselves to examination upon that occasion?—There were about 24, as well as I recollect, at the time that I was examined.

15. Who were the examiners?—Colonel Harry Jones, now General Jones, Sir John Macneil, the engineer, and Mr. Rhodes, who was the engineer to the Shannon Commission.

16. What was the nature of the examination; was it scientific as well as practical?—Yes.

17. What was the duration of the examination?—The duration of that examination was about three days; I myself was only examined two days. There was a necessity to have the examination completed before a certain time, otherwise the grand jury could not appoint; the examiners were therefore tied to a particular time.

18. Were you examined respecting your practical knowledge of county works previously to the period when you offered yourself for examination, or had you then any practical knowledge of county works?—I had, and I was examined with reference to it.

19. Were the candidates certified by the Board of Examiners in the order of merit, or was a general certificate of competency given?—There was a certificate of competency given to each person who was thought deserving of it by the examiners, and there was a list in the order of merit sent to the secretary of the grand jury.

20. Did the grand jury exercise their own judgment in reference to the candidates, or was a selection made by them, founded upon the order of merit so returned to them?—Not altogether according to the order of merit; the two first upon the list were appointed; the third appointed was not the third upon the list; I myself was the first upon the list.

21. In the county of Dublin, can you state generally the nature of the functions which devolve upon the district surveyors?—The duties of the district surveyors are described in the 8th section of the Act. "That each surveyor to be appointed as aforesaid, shall attend at each presentment sessions hereinafter directed to be held in and for his district, for the reception of applications for presentments, and also at the presentment sessions for the county at large, and shall afford such professional advice and assistance in the consideration thereof as may be required of him, under the direction of the grand jury, the finance committee hereinafter directed to be appointed, or presentment sessions, and shall prepare forms of tenders and proposals, estimates, specifications, maps, plans, sections or elevations of any work approved thereat, and shall himself make such application, when necessary, as hereinafter directed, and shall also attend upon the grand jury, and as far as possible make to them a full and particular report on all applications for presentments lodged with the secretary as aforesaid, and the necessity or utility of the same, and on the correctness of the maps, plans, specifications, and estimates prepared as aforesaid, and how far it may be expedient to alter, vary or modify the objects stated in such applications; and the said surveyor or surveyors shall also report generally on the state of public works in their respective districts, and on all applications on the part of contractors, and on the progress and execution of all public works formally presented, and on the performance of all contracts, and on the state, repairs, progress, and condition of all buildings, roads, bridges, gullets, walls, or other works; and the said surveyor or surveyors, or one of them, as the grand jury or finance committee shall direct, shall audit all accounts of such works, and ascertain and certify the correctness thereof, and whether each contractor is entitled to payment, and how far, and whether such contractor has conformed to the provisions of this Act, and the laws in force in Ireland, and shall also report the name and description of all persons by him prosecuted for any nuisance or injury to any road, or any other offence of like nature, and the result

of

of such prosecution, and the proceedings therein, and generally on all matters and things relating to the office of surveyor, or which may be given to him in charge by the grand jury or finance committee."

22. Have the district surveyors in the county of Dublin any assistants?—They have not directly; there is no power, under the Act, of providing assistants for them.

23. Can you state whether the detailed duties described in that clause are the same as the duties prescribed for county surveyors generally, in the general Grand Jury Act?—I believe they are very similar; I may say, identical almost, save in respect of attendance upon the Finance Committee.

24. Is it found, practically, that the district surveyors in the county of Dublin, in their districts are able to discharge, without assistance, the duties imposed upon them by that clause?—I think they can do so, but that result is attained at a disadvantage to the public by the increased cost of the works; my expressed opinion, even at the time of my appointment, was, that it was expedient and desirable that there should be in every county, for the management of county works, two grades of officers at least; the one as an assistant to the other, and that there was a class of duties which, if required from the superior officer, would be performed under circumstances disadvantageous to the public interests.

25. Am I correct in supposing you to believe that some of the functions which you have to discharge might be discharged advantageously by an inferior officer, and that the time which you expend in discharging those duties might be more usefully employed in the public service?—Yes; and that to have those duties discharged by the superior officers you must multiply the number of them to such an extent that it would be found impracticable to have such a system adopted; it would never be consented to. It is in fact this, unless you have districts of exceedingly limited area, or (preserving the counties and parts of counties, somewhat as at present, as districts) have at least two grades of officers, you are unable to make specific contracts; you must make the contracts in general terms, for there would be no use in making the terms of the contracts specific, unless you had an opportunity of satisfactorily checking whether they were fully carried out. Take the case of road maintenance contracts, and that is probably the most important item in connexion with county works, unless you specify the quantity of the materials proper to be applied (and the observation is more particularly applicable to roads of great importance) you will not have the work executed at its proper value. There is an element of uncertainty that would be introduced which would occasion extra cost to the county.

26. The roads in the county of Dublin are very numerous, converging towards the metropolis, some of them having very large traffic upon them?—Yes, very considerable.

27. Is the result of your experience in the county of Dublin that, even under the system of district surveyors established there, they are unable properly to discharge their functions without the assistance of a subordinate class?—The object in view can be attained, but it will be attained at a very considerably increased cost to the district and county; I put forward that opinion at the time of my appointment in 1845, but as it so happened that in my district of the county all the leading lines of road were then maintained by turnpike assessment, it was not of such essential importance to have that system carried out; but when the turnpikes were abolished, which they were a couple of years ago, the importance of the matter appeared to me so great that I reported to the grand jury upon the subject, specially drawing their attention to the fact that, unless some assistants were provided, the result would be that the maintenance of those roads would cost considerably more than it ought to cost.

28. Have the grand jury approved and acted upon that suggestion?—They have not; it would have required a change in the law in order to enable them to do so.

29. What is the salary which the law permits the grand jury in the county of Dublin to grant to each of their district surveyors?—The amount is not limited in the Act; the grand jury, with the approval of the Lord Lieutenant, may augment it from time to time. At present the salaries are 350 *l.* per annum to two of the three, and 300 *l.* to the third.

30. Is that independently of any allowance for travelling expenses?—Yes; there is no allowance for travelling expenses; and there is no allowance whatever for office.

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31. Are they allowed in the county of Dublin to undertake private business?—Yes, they are.

32. Are they allowed to do so without the consent of the grand jury?—At the time of their first appointment a resolution was entered into, that they should not take private practice without the knowledge of the grand jury; that was passed for one year; as I believe, this resolution was not repeated.

33. In point of fact, do they undertake private business?—They do when it offers.

34. Is it to any considerable extent?—No, it is not in my own case, and, I believe, not in the others.

35. And there is no allowance for expenses?—None whatever.

36. Will you state what you found to be the condition of the roads in the county of Dublin when this new system was established?—They were exceedingly bad; the leading roads in my district, as I mentioned before, were turnpike roads; several of them were in a very much better condition, but the cross roads were, as a general rule, in a very bad condition indeed, especially any that were subject to considerable traffic.

37. The system previously was one under a very old Act of Parliament, and was peculiar to Dublin?—I believe so.

38. Your district is the district immediately adjoining the metropolis, on the north side of the metropolis?—It is north of the metropolis, and also to the south-west.

39. Therefore it comprises a very important part of the county of Dublin, as regards the public thoroughfare?—Yes, there are a great number of important leading roads in it; there are nine leading lines of turnpike road all converging to Dublin.

40. Can you state the effect of the introduction of this system of supervision in the county of Dublin as regards the cost of maintenance, and as regards the condition of the roads since its establishment in 1844?—Under anything like similar circumstances, I believe it to have caused considerable reduction of cost and decided improvement in the condition of the works. Under the old system, special presentments for road maintenance purposes were granted occasionally, the grand jury not being fettered as to their amount; these were principally for providing broken stone; in addition to them, annual presentments were made, which could only be of a certain amount, determined by the distance of the road from Dublin.

41. In point of fact, the operation of the old system established by the 26th of George the 3d, was found to be exceedingly objectionable and defective, and the roads were very bad?—It produced an exceedingly bad result.

42. The condition of the roads has materially improved, and as far as you know generally, the cost of maintenance has diminished?—Certainly; the present is a totally different system in many ways, and it would not be easy to find parallel cases, yet they might be selected here and there; but as to the relative cost of road maintenance under the two systems, no general comparison could be readily made between them; for now, the presentments for the maintenance of the leading roads as a general rule, comprise many other works in addition to the ordinary maintenance of the roads, which would otherwise be provided by special presentments. In the case of the road from Dublin to Blackrock, a thoroughfare of very great importance, which formerly was not maintained by the county, such works as making paved crossings, sewers underneath the road, the maintenance of foot-paths, the building and repair of fence walls, and other miscellaneous extra works, as a general rule, are included in the ordinary maintenance contracts.

43. Several very important roads which were formerly turnpikes have been thrown upon the district surveyors of the county of Dublin in the last two years?—Yes, to the extent of 92 miles 2 furlongs 11 perches; roads of this class became chargeable upon the county of Dublin for the first time on the 5th of January 1856; the repair of which for that year amounted to 7,665 *l.*

44. Generally having reference to the number of roads in the county of Dublin, and the nature and extent of the traffic, your opinion is, that even under the system of district surveyors established in the county of Dublin, assistants would be desirable, and for the advantage of the public?—Unquestionably; there is one circumstance that I might mention in connexion with the county of Dublin, in which there is a considerable difference between the working of the grand jury law in it and in the general counties of Ireland, which is in reference to the

power

power that exists of giving works in charge to the county surveyor, which has been unnecessarily acted upon in the county of Dublin to a very considerable extent; originally, when the Act was first introduced, there was an impossibility to get persons to become contractors at all, and in order to have the works maintained, they had to be given in charge to the surveyors. There is also a finance committee, and a means thereby of having payments made, but in a very inconvenient manner.

45. In the county of Dublin, under the 15th section of the Act, the county surveyor is empowered to make application for the repairs of the roads which he considers to require repairs?—Yes.

46. That provision is not applicable to other counties?—It is applicable to other counties as well I think, where an application has not been already made.

47. With regard to the supervision of public buildings in the county of Dublin, is that a part of the duty of the surveyors?—It may be given them in charge by the grand jury, and therefore it is.

48. Have the grand jury the power, in the case of large and important buildings, to employ other assistance?—They have that power.

49. Sir *William Somerville.*] Does the contract system prevail much now in the county of Dublin?—It does; it prevails generally. In general the contract system is adopted; the other is the exception to it, and only adopted to meet special cases.

50. You have a finance committee in the county of Dublin?—Yes.

51. How often are the contractors paid by the finance committee?—Ordinary contractors for works of maintenance are paid once a quarter; but there is no reason why they should not be paid at more frequent intervals. In the case of some important roads they are paid as often as once a month.

52. The finance committee is always in funds to pay them, if they so think fit?—Provided the collection is made satisfactorily.

53. But they are ordinarily paid once a quarter?—Yes.

54. How do the contractors pay their labourers?—I do not know that.

55. Does the truck system, with the quarterly payments, prevail with the contractors, or do they pay their labourers daily wages?—I have no means of knowing. I have no reason to believe that the truck system prevails to any extent.

56. Those contractors are subject to your supervision?—They are.

57. You do not know how they pay their men?—No.

58. Whether the labourers receive their wages by means of the truck system, or orders on shopkeepers, or daily payments, you do not know?—I cannot state that.

59. Mr. *Hassard.*] You have no assistants under you in your districts?—No assistants directly appointed by the grand jury.

60. Do you employ any overseers over the contractors actually to inspect the works while they are in progress?—Indirectly that is so, in the county of Dublin, at the present time. For instance, I had last year (in the absence of contractors), the charge of the maintenance of upwards of 50 miles of the roads which had been previously under turnpike management, with power to expend a sum not exceeding 3,845*l.*; in the fulfilment of this charge I had occasion to employ overseers, who rendered me some assistance in connexion with the detailed supervision of contractors' works, at the present time having likewise a large amount of work in charge. I have the same system in operation.

61. Who paid them?—They were charged against the different presentments.

62. They were like clerks of works?—They were road overseers, and charged against the presentments in proportion to the time.

63. Those 50 miles were in your charge?—Yes, in consequence of there having been no contractors.

64. Did you repair them by days' labour?—Yes.

65. Without taking any contract for any part of them?—I entered into contracts for the supply of materials, and employed labourers, gangsmen, and overseers.

66. The overseers were to inspect the labourers whom you employed, to see that they did their work faithfully?—Yes.

67. Your district, although you have a large number of miles of road, is, I believe, limited in area?—It is.

68. Would it not be much more difficult for a surveyor in another county, having

having the same number of miles of road in charge to oversee that number of miles of road, in consequence of the more extended area; would he not have a much greater distance to travel?—No, I imagine not so much. In the case of the roads in the neighbourhood of Dublin, taken mile for mile, and compared with the other counties of Ireland, the trouble that the surveyor of a Dublin district has in proportion to the mileage is, I apprehend, very much greater, and this very much in consequence of the opportunity the contractors have of calling upon him to examine and certify with reference to their contracts at any time of year.

69. Do they not all lie near your own residence?—Yes, comparatively; of course some roads near the surveyor's residence will be traversed over almost daily; but special examinations are frequently requisite as often as 20 times in a year.

70. You can hardly institute a comparison between your district and one of the rural districts of Ireland, from the nature of the road and the traffic over it, and the concentrated manner in which all your roads lie?—Of course any comparison should take into account all those circumstances.

71. But in fact, you do find it necessary to employ overseers under you, although they are not appointed?—Certainly, I should be very desirous of having them; it is absolutely necessary to have them in order to carry out the works given into my own charge; and in connexion with the ordinary management of the contractors it is most desirable that I should have them.

72. Your districts are quite separate from one another, are they not?—Yes, there is no division of a barony.

73. There is no superiority of one over the other; neither can exercise a supervision over the work of the other?—No.

74. You are aware that grand juries in counties cannot appoint as they do in Dublin the county surveyors?—Yes, I am aware of that.

75. The county surveyors are appointed, I believe, by the Lord Lieutenant?—Yes.

76. You stated that the examiners were General Jones, Sir John Macneil, and Mr. Rhodes; were there many examined at that examination?—I believe about 24.

77. Was any person at liberty to present himself for examination?—I believe so; there was no general notice of the examination, it was only known that there would be one a short time before. I, myself, happened to be at Coleraine at the time, superintending the construction of a bridge there, and I got such a short notice that I was one day too late for the examination; the examination had commenced the day before I arrived.

78. What was the nature of the notice given?—The notice I received was from a friend in Dublin.

79. A private notice?—A private notice.

80. There was no public notice given of holding such an examination?—None that I was aware of.

81. Do you happen to know whether any of the persons who presented themselves for examination were pupils of any of the examiners?—I do not know.

82. Is any inconvenience felt from your taking personal charge of the works in your district; it heaps more labour upon you I presume?—Of course it increased my labour very much indeed.

83. Is there any public inconvenience felt from it?—I believe there has not been.

84. When you do take charge of works, are they not works that have previously passed some presentment sessions?—They are.

85. They do not originate with you?—In no manner, in the light I understand you to mean; it might, no doubt, by chance be, that the application for a work which afterwards might be given into my charge, had been made by me as surveyor.

86. They could not have come to your hands unless they had previously passed a regular presentment?—Certainly not.

87. And it is by default of the contractors that they come to your hands?—It is in default of obtaining contractors.

88. Can the finance committee interfere in any of those works except in the way of paying those whom you employ?—I believe not.

89. Can they take contracts?—No.

90. In fact, it is entirely handed over to you in default of a contractor presenting himself at the adjourned presentment sessions or assizes?—Yes.

91. And the finance committee have no control over it further than to pay on your certificate?—I believe not; that is as I understand it.

92. Mr.

92. Mr. *Macartney*.] Were you in the employment of the grand jury of the county of Dublin at the time of the alteration of the law, when the finance committees were first instituted?—No, I was not.

93. Can you inform the Committee if there was great inconvenience found by there being no fund in hand to provide for the payment of the presentments in that county at the commencement of the duties of that finance committee?—I believe that there were those inconveniences.

94. You stated that two of the surveyors or engineers have 350*l.* each, and one 300*l.*?—Yes.

95. Is there any additional duty thrown upon either of those two first, as being considered the architects of the county?—No; I know of no reason of that kind.

96. Are those surveyors, or engineers, or whatever they are called, if within the district the grand jury decide upon a public building to be erected, would equally be called upon to prepare plans and estimates?—There would be a power in the grand jury to call upon them to do so.

97. And is there a power in the grand jury to set aside their plans and estimates altogether, and to go to the public for plans and estimates?—In the case of public buildings, I believe there is.

98. Or alterations of county buildings?—I believe there is. Section 15 says they may advertise for plans for public buildings for the county: "And be it enacted, that it shall be lawful for the secretary of the grand jury, under direction of any presentment session for the county at large, to advertise in the public newspapers for surveys, specifications, maps, plans, sections, and elevations from professional engineers and architects, for the erection, alteration, and repair of such buildings as may be required for the public use of the county, or for the construction of any bridge or other public work, the probable cost of which shall exceed 1,000*l.*, and to offer a sum not exceeding 50*l.* as a remuneration to the engineer or architect whose plans shall be approved of; and it shall be lawful for the grand jury to make presentment of such remuneration, and to employ such engineer or architect, should they deem it necessary, in superintending the work to be executed pursuant to his plan, on such terms as may be determined by the grand jury."

99. In accordance with that, suppose a public work were advertised for, you, as a county officer, would not be precluded from sending in your plan and estimate upon that?—Certainly not.

100. Would you then, if declared the successful candidate, be entitled to that 50*l.* premium for supplying those plans and estimates?—Certainly; I should imagine so.

101. Have you prepared plans for any work in the county for buildings since you became connected with the county?—Yes.

102. Have the works been executed upon your plans and estimates?—Generally, according to my designs and plans; the circumstances were these: sessions houses were required in two districts in the county, at Swords and at Balbriggan. By direction of the Lord Lieutenant I prepared designs for them, which were submitted to the grand jury; the grand jury, as a body, thought that it was not desirable to have those buildings erected or to present for them. The Lord Lieutenant, having previously given a warrant upon the subject, when the grand jury refused to present, placed the matter in the hands of the Board of Works, and the sessions houses were erected by the Board of Works mainly according to my designs.

103. And the amount was levied off the county afterwards?—And the amount was levied off the county afterwards.

104. Did you receive any remuneration as the architect, independently of your salary for the supervision of those works?—I did not supervise them, nor receive anything as the architect or designer.

105. Were you called upon to state that they were in a proper state to be taken out of the hands of the contractor?—I was not.

106. Who inspected those works?—The officer of the Board of Works.

107. Those are buildings that have been erected during your time; have any other public buildings been executed upon your plans and estimates for the grand jury?—No, not any; understanding you to refer to court or sessions houses.

108. In other counties, the county surveyors have an allowance for a clerk in the office; is there anything of that kind in the county of Dublin?—There is not.

 109. You

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109. You state that 92 miles have fallen into the hands of the grand jury since the abolition of the Turnpike Trust all round Dublin within a certain period; I suppose that you mean from January 1856 to January 1857; you have been called upon to superintend the outlay of 7,665 *l.*?—That was the total amount of the presentments made for those roads; those roads were not altogether, although they were principally in my district; some portions were in each of the other two districts.

110. There was an additional cost upon the county for the year 1856, in consequence of the abolition of turnpikes to the extent of 92 miles, of 7,665 *l.*?—That was the amount of the presentments originally made.

111. And sanctioned by the grand jury?—And sanctioned by the grand jury.

112. Is it your opinion that an annual sum equal to that will be required for that same quantity of road?—Not quite, eventually. These roads were in a very bad state indeed, and exceedingly worn. There was naturally a hesitation on the part of the ratepayers in giving the large sums which were requisite for the maintenance of these roads, the amounts being so considerable, and a new charge; in consequence they have been found quite inadequate to induce persons to undertake contracts. Even now, this being the second year and the amounts not much reduced, the majority of these roads are not under contract, but are in my charge.

113. Am I to understand those 92 miles to be statute miles?—Yes, statute miles.

114. What do you consider a fair equitable average annual rate to keep in repair those classes of turnpike roads?—It will vary, according to the system pursued upon them. If the arrangements were made in the manner most calculated to produce an economical result, I think the average sum would be something like 100 *l.* per statute mile for those in the immediate neighbourhood of Dublin. Perhaps that would be excessive as applied to the remote portions of them; for instance, one of those roads goes to a distance of 17 or 18 statute miles from Dublin, and that would be an excessive estimate for that purpose. I may say 100 *l.* per statute mile for a range of six or seven miles from the city.

115. The sum you have mentioned gives an average of 83 *l.* per mile over the entire mileage?—Yes.

116. Have the roads been put into a fair state of repair for maintenance hereafter at that sum, as far as your knowledge of your own district and the others goes?—Many of the roads were in so degraded a condition that the cost of placing them at once in the position with regard to the strength of the crust that it would be desirable to have them in, would be so great that it is impossible to expect it to be done at once; it will be a work of time; a great number of those roads cannot be expected to be placed in such a position, that their maintenance might be regarded as a regular sum for several years to come.

117. I think you mentioned that it would be very desirable that you should have the power of employing overseers in works contracted for, as well as those works that you have been obliged to take charge of under the direction of the special sessions and the grand jury?—Certainly.

118. In making use of the word "overseers," do you allude to that class of persons that in other parts of Ireland go under the name of assistant surveyors?—I do.

119. What would be a fair remuneration to that class of persons in the county of Dublin by the year?—I think in the county of Dublin it would be desirable to have persons at a range of salary from 80 *l.* to 100 *l.* per annum.

120. What extent of knowledge, as to engineering, would you require them to have?—It would be desirable that they should have a knowledge of the construction of works, the superintendence of workmen, a good knowledge of masonry works, and a capability of measuring, and surveying to a small extent.

121. And levelling?—It would be hardly necessary for them to take levels.

122. What number of that class of persons do you think would be required for your district of the county of Dublin?—I think it would tend to the public advantage if there were three.

123. How many, as far as your knowledge goes, would be required in the other districts; I presume you have been in the other districts?—I have been in the same district throughout, but I have acted in another district under peculiar circumstances, namely, the death of an officer.

124. Can you give a general idea of what those two districts would also require?—I think eight for the entire county would be sufficient.

125. Are

125. Are you able to state the number of miles of public road that you have charge of within your district?—I am not at this moment; it is about 250.

126. Can you state the distance in square miles?—No.

127. Are you able to visit, and examine, and report upon any portion of your district, and return to your house the same night?—Yes.

128. You have no necessity to be out of your own house at night in the supervision of your district?—I have not.

129. Mr. *Macarthy.*] Do you travel over and make a personal inspection of the entire extent of the roads in your district?—Certainly.

130. Sir *William Somerville.*] When you engage in the superintendence of works yourself for the grand jury purposes, how do you pay your labourers, through your overseers or yourself?—Through the overseers.

131. How often?—Once a fortnight.

132. You hand the money to the overseer, and he pays them?—Yes.

133. Mr. *Lygon.*] You stated that eight assistants would be desirable for the three divisions of the county of Dublin; if those eight assistants were granted, would it then be necessary to have the same number, three, of district surveyors as at present, or would the labour of the superior officers be so lightened, that one or two would be sufficient?—I think in the county of Dublin, if there were a full number of assistants granted, less than three district surveyors would be able to do the other duties of the county.

134. Mr. *Henry Herbert.*] You stated that after turnpikes were abolished in the county of Dublin, you made some suggestion to the grand jury which it would require a change in the law to carry out; I did not quite understand what the nature of that suggestion was?—The statement was virtually to this effect, that in order to provide for the most economical maintenance of the turnpike roads and the roads of that class in the county, it was desirable that the specifications should be drawn up in precise terms, so that a person intending to contract should know what he was doing; for instance, if the specification for such a road as one of the leading turnpikes out of Dublin, in an exceedingly degraded and worn state, was couched in general terms, as for example, that the road was to be kept in perfectly good order always, and perfectly clean, the strength of the road kept good and sufficient, it is quite manifest that any person intending to contract for a road under such circumstances, subject to the decision of the county officer over him, and not alone to that, but to the possibility of that officer being removed by death or otherwise, and a new person being appointed to judge upon the subject, would put down so large a sum to meet the element of uncertainty in the proposed contract that you would not have the work done for its fair value.

135. What is the nature of the legislative change which you think desirable?—A power to grant assistants; you could then make your contract in as precise terms as you please, and employ assistants to see it carried out; it would be absolutely impossible that one officer could check specifications drawn up in that manner in the county of Dublin.

136. Mr. *Cooper.*] There is a good deal of architectural knowledge, and the knowledge ordinarily possessed by a builder required in a county surveyor, is there not?—Certainly; I think it is desirable county surveyors should possess that class of knowledge; there is a great deal of architectural work in the counties which I think should be discharged by the county surveyors.

137. Are the examiners whom you have mentioned qualified in any way to be examiners as architects or as builders?—None of those three that I have mentioned are, I believe, architects.

138. Do you think it would be desirable that there should be among the examiners some one who is practically acquainted with architecture, and also with the details of building?—Certainly.

139. Has there been any great change in the traffic on the roads since the establishment of railroads having their termini in Dublin?—On some of them no doubt there has been some change, but it does not extend, I think, to the amount that might be probably attributed to that cause.

140. To what do you attribute the slight change in the traffic on the roads when there are so many railways having their termini in Dublin?—There is a good deal of through traffic upon a great number of the roads still, and that of an injurious character has not been interfered with.

141. Do you think that the class of assistants you mentioned just now would be sufficiently above the class of general contractors as not to be influenced by them?

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them?—I think you would be able to procure, for the sum I have stated, persons who would be secure against that; but further, it is my opinion, that in any system for the management of works there should be an endeavour not in any case to be trusting to one person, and particularly in that class; that the endeavour should constantly be to have an additional check. At the present time I am following that system in connexion with the management of the roads given into my charge. I have one person whom I employ more generally for clerk's work; and I also send him here and there as a check upon the special overseers of the roads, to measure stones without their knowing when he does it. I would propose to adopt a similar system in any general system for the management of county works, and to as great an extent as I could.

142. Mr. *Waldron.*] You mentioned that you thought contracts would be taken at a less cost to the public, if overseers or assistant surveyors were appointed, how do you make that appear?—Because you would thereby be able to make your specifications, and the terms of the contracts specific, so that the contractor would be able, with as much precision as could be expected, to estimate the amount of the expenditure he would be likely to be called upon to make. In general terms, I may say that without them there must be so much uncertainty that a large sum will be inevitably put down by any prudent man to meet contingencies.

143. What prevents you at the present time from making your contracts specific?—You cannot check whether the work is done or not, if you make them specific; it would be worse than useless to do so, when you cannot carry out the terms.

144. You mentioned that you thought eight assistant surveyors would be required for the county of Dublin?—What I meant to convey was this, that it would tend to produce economy if there were that number appointed.

145. You mentioned that you thought they should have from 80 *l.* to 100 *l.* a year; do you think that additional cost of 800 *l.* a year upon the county of Dublin would be covered by any diminution in the expense to the county?—Where the expenditure is so large upon a small space I am quite of opinion that it would be a very easy way in which a reduction of very much more than 1,000 *l.* would be made in the expenditure in the county of Dublin; I have recorded in my report to the grand jury at Easter, 1856, my opinion that the amount of the saving would be very much more considerable than that; I estimate the saving in my report to them, I think, at, at least, 25 per cent. upon the sum of 12,000 *l.*

146. *Chairman.*] Will you read that part of your report to which you refer?—"The grave importance of your interests in the questions which are involved, in a consideration of the best and most economical means of providing for the future maintenance of the roads, the turnpikes upon which have been recently abolished, requires that I should now direct your attention to this subject. I feel it to be the more incumbent upon me to do so, because I am fully conscious that the ordinary working of the Grand Jury Law, which rules in this county, is not the best calculated to effect these objects. The importance of this subject at the present moment will be apparent when I inform you, that the mileage of roads of this class, now for the first time to be presented for, is upwards of ninety; that the sums passed at the late sessions for their repairs amount to 7,590 *l.*; that the course of reasoning I am about to pursue in reference to them applies equally to the other roads in this county of great traffic, such as the Naas road, not long since also under turnpike management, and the leading thoroughfares in the baronies of Dublin, Rathdown, and Uppercross, and that in its proper solution there would be at stake the opportunity of effecting a saving of at least 25 per cent. upon an average yearly expenditure of from 10,000 *l.* to 12,000 *l.*, while at the same time greater certainty of constantly efficient maintenance would be afforded."

147. Mr. *Macartney.*] The amount for the roads and bridges, I see, by a return in a publication emanating from the county surveyors for the year 1854, is 19,000 *l.*?—Yes.

148. Are you prepared to say that with the description of officers which you would recommend for the county, a fair reduction upon that could be made of from eight to ten per cent., and a more efficient system of repair and supervision be carried on too?—I am quite of that opinion. I would not put the 25 per cent. upon the whole of that, because that refers most principally to roads of great importance; but I think, put over the whole, it would be quite the amount you mentioned. With reference to a question

which

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which has been asked me, which appeared to throw some doubt upon the fact whether such a saving could be made, I may read an extract from my report to the grand jury of this year, which I think bears upon the subject: "Of the 3,845 *l.* to the credit of those works," (that is, the works given into my charge), "2,845 *l.* 11 *s.* 5 *d.* was spent up to the 8th instant" (at the time the report was made), "leaving in round numbers 1,000 *l.* to provide for the interval between that date and the close of the year, at the end of May. I apprehend that at that period at least 600 *l.* will remain unspent. It is very satisfactory to me to be able to place this result before you, because, although no persons could be found willing to undertake these particular contracts, and there is reason for knowing that a considerable increase of price would have been necessary to induce persons to do so, they have been maintained by the expenditure which has taken place with more constant efficiency, and a comparatively much greater amount of work has been done upon them than upon the roads contracted for. I am fairly, therefore, entitled to the credit of effecting, by my exertions, a saving of upwards of 1,000 *l.* during the last year; and in this, and the other facts I have placed before you, there is sufficient proof that there was no exaggeration in the allegation contained in my last report that there was at stake in the decision to be come to, with reference to the management of these and such like roads in this county, the opportunity of effecting a saving of 5 *l.* per cent. upon a sum of 10,000 *l.* or 12,000 *l.*"

149. Mr. *Hassard.*] You proposed that there should be eight assistants at 100 *l.* a year?—£. 80 to 100 *l.* a year.

150. If the charge of the county was increased by that sum, would it not be a great saving in the amount of the presentments; would not they be diminished by the sum now included in the payment of overseers actually employed?—To a greater extent than that, in my opinion.

151. Actually, now nearly that sum is spent in overseeing?—Yes, unquestionably, in an indirect manner.

152. Can you state how the finance committee are put in funds to pay for those roads which are in your charge; is there a presentment to the finance committee to pay for the work according as it is executed by you?—The finance committee have to their credit all county funds, including the amounts of all the presentments passed for work, no matter to whom; and the committee dispense the money according as they may get authority to pay, that is, in the case of contracts upon certificates.

153. In ordinary cases the money for a work is not presented until after the work is completed; but in the case of what you may call current work that is in your hands, is the money presented by anticipation to the finance committee?—All the presentments are placed on the levy in the county of Dublin immediately they are made and fiatted by the judge. The first duty of the finance committee is to prepare for the collection of that sum; they place warrants in the hands of the collectors to collect that sum, and it is at once collected, as soon as the necessary documents can be prepared after the presentments are made and fiatted.

154. And they can pay that money over to you without going through the process of having a query presented?—Yes.

155. Mr. *Macartney.*] There is but one presentment a year in Dublin?—But one.

156. *Chairman.*] The finance committee are in the position of a treasurer, empowered by law to make payments to contractors for public works, and are furnished by law, supposing the collectors do their duty, with funds for that purpose?—Yes.

157. The contractor has power to appeal against the decision of the finance committee, in the event of their refusing to make a payment when he considers himself entitled to it?—Yes.

158. Mr. *Henry Herbert.*] Is your certificate for a presentment for the maintenance of a road attached to every presentment when it has passed the grand jury in the county of Dublin, in the same way as it is in other counties?—The system is not at all the same in the county of Dublin as in the other counties; no certificate is given by the surveyor to the grand jury; but merely a report. The grand jury have nothing whatever to say to the payment of the money; their function is merely to examine into the applications which are made for presentments, and to approve of them if they please. They have no certificate from the surveyor whatever; nothing but a report with reference to the presentments; the certifi-

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cates go before the finance committee; the certificate for the payment of a contractor, for instance.

159. Do you report specially upon every work of maintenance in the county?—Not as a matter of course; whenever a special report is called for we make it; when the presentments, for instance, are being passed by the grand jury, the surveyors are always prepared to make a special report when called for.

160. In a work of maintenance, in the case of an ordinary grand jury, it is required by law that a certificate of the county surveyor should be attached to every presentment?—There is no such thing in the county of Dublin.

161. *Chairman.*] Will you refer to the 79th section of the County of Dublin Act and inform the Committee what the functions of the district surveyor are with reference to presentments which are brought before the sessions in the first instance?—The duty of the surveyor at the sessions is to be prepared to make a special report to the Road Sessions with reference to every application for a presentment, to receive their instructions with reference to them, and to make application for any works which he himself considers necessary, and which have not been already applied for.

162. Under that clause the justices and cess payers when a work is brought before them are empowered first to examine the surveyor touching that work, and if they approve of it to direct the surveyor to prepare proper forms of tenders for the execution of that work; that is their function at the sessions?—Yes.

163. Will you turn to the 84th section, which prescribes the duties to be performed by the grand jury, and inform the Committee what the functions of the surveyor are there directed to be?—To attend upon the grand jury.

164. The grand jury "shall hear and receive and direct to be read aloud in open court the several reports and certificates of any such surveyor, and shall have power and authority at their discretion to receive and obtain all legal and pertinent evidence which shall be tendered to them for or against the making any presentment;" are those the functions of the grand jury?—They are so directed there, but with reference to the certificates I wish to observe that it has never been the practice in the county of Dublin that the surveyor should prepare in any ways the forms of tender, but merely the specifications.

165. With reference to the steps that are necessary to be taken before the contractor, or the person who executes the work in any way, can receive payment, what are the duties of the district surveyor?—Upon the receipt of an application from a contractor for any public work, it is the duty of the surveyor within 15 days to examine that work, and if it is in his power to give a certificate that the work has been done in whole or in part, to give that certificate to the contractor, who sends it to the secretary, to be by him examined and produced before the finance committee at their next meeting, whereupon payment is made.

166. Before any work can be paid for, the finance committee must have before them the certificate of the district surveyor?—It is not absolutely necessary for them; they may receive other evidence, and if they so think fit, make payment to the contractor, even though they have not the certificate of the county surveyor, but the ordinary course is to act upon the certificate of the county surveyor.

167. The case of receiving a certificate from the road warden is an exceptional case?—Quite so.

168. Can you inform the Committee whether for some years past there has existed an organisation of a committee of the county surveyors generally, which has occasionally met in Dublin for the purpose of considering matters connected with their functions and duties, and with the supervision of works generally in Ireland?—I can; such an organisation has been in existence since the beginning of the year 1850.

169. Is it the case that they met in the first instance for the purpose of considering a bill for the improvement of the grand jury system brought in by Sir William Somerville?—Yes.

170. You have been acting as honorary secretary to that committee of county surveyors?—Yes, and since that period at different other meetings,

171. Have they met frequently in Dublin since the period you have spoken of?—At no regular intervals; only when there was felt to be a necessity for it.

172. And that I presume generally was when bills were introduced into Parliament in connexion with the grand jury system?—Yes.

173. Have they met within the last 12 months?—They have frequently.

174. Are you empowered, from the opportunities you have had as honorary secretary

secretary to that committee, to state generally the views of the county surveyors of Ireland upon the matters which have come under their consideration?—Yes.

175. Can you state in what manner the opinion of the county surveyors generally has been elicited upon those points; have you sent circulars round or taken any means to ascertain their opinion?—Upon some occasions; within the last year upon one occasion their opinions were elicited in that manner.

176. What were the subjects that came under their consideration within the last year?—Changes in the law so far as they affected the efficient management and conduct of county works, and other matters which concern the office of county surveyor.

177. Did they confine themselves to the consideration of questions connected with their own proper functions?—They did altogether.

178. Have means been taken by that committee or by you as their secretary to obtain any statistical information with regard to the cost of maintenance, with regard to the extent of roads repaired, and the cost of supervision as regards the county roads generally in Ireland?—Yes.

179. Can you furnish the Committee with any of those tables?—The general results which they obtained at that time are contained in a letter to Mr. Horsman, several copies of which I have given to members of the Committee; in fact the information contained in that letter was furnished by the committee of the county surveyors.

180. Can you state generally the result of the inquiry which you have so made as set forth in the 16th page of that letter; the cost of maintenance in the years 1834, 1844, and 1854 respectively?—In round numbers the sums were in 1834 228,000 *l.*, in 1844, 288,000 *l.*, and in 1854, 312,000 *l.*

181. Over what mileage was that expenditure at those respective periods distributed?—13,000 miles in 1834, 32,000 in 1844, and 36,000 in 1854.

182. So that in 1834, 13,000 miles were maintained at an expense of 228,000 *l.* and in the year 1854, 36,000, at an expense only of 312,000 *l.*?—Yes.

183. Can you state the mileage expense of maintenance in those respective periods?—In 1834, 17 *l.* 10 *s.* per mile, in 1844, 9 *l.* per mile, and in 1854, 8 *l.* 13 *s.* per mile.

184. Then the inference is, that there has been a greater diminution in the cost of maintenance since 1834, notwithstanding the increase in traffic and in wages?—Yes.

185. Will you present to the Committee the table to which you refer?—(*The same was delivered in.*) *Vide* Appendix.

186. With regard to the nature of the functions of county surveyors in Ireland generally, have you read the Report of the Commissioners of 1842?—Yes, I have.

187. The functions of the county surveyors are set forth in detail in page 11 of that Report; do the county surveyors of Ireland generally agree in the correctness of the description of the duties of county surveyors, as set forth in that document?—Generally speaking, it gives a very correct account of the duties to be performed; there is, however, an omission in it in reference to the duty which a county surveyor has to perform under the 38th section, and under the 146th section of the Act; under the 38th section, the county surveyor has to execute works not necessarily by contract, funds being handed to him, for which he is to account on oath; under the 146th section, works may be taken from a contractor, and given in charge to the county surveyor, or to any other person.

188. Subject to that qualification you consider that the Report describes accurately the functions of county surveyors generally?—Yes, I believe it does.

189. The appointments of county surveyors in the other counties than the county of Dublin, are made by the Lord Lieutenant?—They are.

190. Whereas in the county of Dublin they are made by the grand jury?—They are.

191. To what extent, speaking for the county surveyors, can you inform the Committee, are the functions of the county surveyors generally performed in person?—That I believe varies to some extent, and necessarily so with the extent of the district over which the county surveyor exercises his duties. In some cases where the county is very large indeed, it is not possible for him to execute the minute details of his duties in person.

192. Sir John Burgoyne, in the evidence given before this Commission, and Mr. Lanyon, and some others, have expressed a strong opinion of the impossi-

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bility of county surveyors in Ireland discharging their duties strictly in person? —No doubt it is impossible for them to discharge in detail the full amount of the duties which are imposed upon them; they must act through their assistants to a limited extent.

193. That having been the case so long ago as the year 1842, have not very considerable additional duties been thrown upon them since that period?—There have; and the Committee will find them alluded to in the letter which I have handed in. It is mentioned at page 26 of the letter: "Considerable addition has been made to the duties of the office, such as the supervision of roads previously maintained by the Commissioners of Public Works, and under the turnpike system; the construction of bridges rendered necessary by arterial drainage, formerly under the charge of the drainage engineers, and the construction and maintenance of piers and harbours." The Committee will find also in the Table that in the different districts there is a specific mention of the extent to which many of these additions have occurred; for instance, in reference to the county of Clare, 152 miles of roads were added in the summer of 1854, which previously had been maintained by the Commissioners of Public Works.

194. The whole tendency of the legislation of late years has been to throw upon the counties many of the works of a general description which previously had been maintained by the Board of Works, and out of the public funds?—Yes.

195. The relief works, also, upon which the people were employed during the famine, were subsequently thrown upon the counties to maintain?—Yes.

196. And altogether a very large increase has been made to the number of roads to be supervised, and consequently the duties of the county surveyors have been largely increased?—Yes, very largely.

197. Is it your opinion, that practically it is impossible under the present system that the county surveyors can discharge specifically in person the duties which the law requires them to perform?—Certainly; that they cannot carry out in detail to the full extent the duties imposed upon them.

198. Does it follow from that, that either there ought to be a system of assistants provided for all kind of surveyors, or that the number of county surveyors should be increased?—Certainly.

199. Is it not the case that the Commissioners in 1842, recommended in their report that the system should be changed by the establishment of district surveyors rather than county surveyors, and by abolishing the system of having assistants?—Yes, it is.

200. Can you state the opinion of the county surveyors of Ireland generally, as far as you are their organ, with reference to that suggestion?—Their opinion is that it is not a good one, or one which it is desirable should be carried out.

201. What are their grounds for arriving at that conclusion?—I think I have already stated them, to a considerable extent, in my answers to previous questions; I may add, that in the adoption of it you would necessarily lower the class of officers that you would have, which would be most undesirable for the public; in reference to the proposed abolition of the assistant's office, I believe I give the general opinion in stating that, in order to have works efficiently managed, it is absolutely necessary that there should be at least two grades of officers. County works may be divided into two grand classes, special works and works of maintenance. For the economical and efficient management of both more than one grade of officers is necessary. The first requires abilities of a high class, otherwise permanent injury will be created by ill design and execution; likewise detailed and constant supervision, which, if required altogether from the designer, would limit the sphere within which he could discharge such detailed duties; these may, however, to a considerable extent be performed by a subordinate officer acting under his direction, this being the all but universal manner in which works of such a class are executed; if but one officer were employed there would be either discreditably executed works, or, the cost of both works and superintendence would be considerably increased. The second class, which occasions the main portion of county expenditure for works, would likewise be influenced by very similar circumstances; in all contracts to have reason to expect that they will be undertaken at their value, you must define with clearness and precision both the nature and amount of the work to be done. Wherever much uncertainty in either of these respects exists, many would be deterred from proposing at all, and those who do would, it is natural to expect, put down to

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meet the uncertainty a sum which would amply secure them; this they would be the more likely to do, as the nature of the contract would tend to reduce competition. In no class of contracts would such considerations be likely to have more weight than in respect of the maintenance contracts for roads of much importance, unless they were made definite and as free as possible from uncertainty. If such defined contracts were adopted, the inferior officers for the purpose of carrying into effect the detailed supervision, and the measurement of stones (under the control and check of the chief officer) would at once become necessary.

202. Those are the grounds upon which you think that the system of district surveyors would not be conducive to the public service?—Yes.

203. Are the Committee to understand you to state that that is the collective opinion of the county surveyors, whose opinions you have had an opportunity of obtaining?—That is virtually the expression of my own opinion upon the subject, but I have no doubt that similar opinions are entertained by the surveyors in Ireland generally.

204. Upon those grounds, objecting to the system of district surveyors, the opinion of the county surveyors of Ireland is, that the present system of county surveyors should be maintained with an improvement in the system of assistants; is that their opinion?—It is.

205. Sir *William Somerville.*] You are opposed to the recommendation of the Commissioners of 1842?—Yes, so far as refers to that question.

206. Would you increase the power of the county surveyor, and increase his position generally; would you give him more power or more salary, or would you make him a more important county officer than he is now?—Certainly, in both respects; in reference to the question of salary, there is no doubt that the present system ought to be changed, and his position improved.

207. I think you said that under the present system the surveyor was obliged to trust to his subordinates for the information that he gave to the grand jury?—In certain cases.

208. Is it not so in a great many cases?—Yes, in large counties at present.

209. Do you not think that that difficulty would be got over to a great extent under the system of district surveyors?—I do not think it need necessarily exist as a difficulty under a properly arranged system similar to the present; I consider that no public disadvantage would result from the present system, if there was a proper class of assistants established, and the higher officers were placed in a position efficiently to do their duties.

210. We may suppose that under both systems the officers would perform their duties. What is your particular reason for a preference for the present plan with the assistant surveyors, of which you have spoken?—That it would virtually produce a very much better result for the public and at a less cost.

211. Why do you think so?—The reasons why are mentioned, I think, to a considerable extent in the paper I have read.

212. Would not those evils which you specified in that paper be equally avoided by a district supervision?—If it be attempted to do so, you would at once have to multiply the number of districts to such an enormous extent that the cost would be prodigious, and you would run the risk even then of having the works ill-designed and ill-executed.

213. Mr. *Hassard.*] Is it not necessary before any contractor gets paid for a maintenance contract, that he should have the certificate of the surveyor himself at each assizes?—It is.

214. The deputy-surveyors would not suffice for that?—Certainly not.

215. But in the case of a maintenance contract, with a good system of assistants, would it not be sufficient that the surveyor-in-chief should inspect the roads over each half year in person?—I should think so.

216. But to new works or to special works, such as bridges, he could devote more of his time in inspection?—Yes.

217. And he would be more competent to do so, being of a higher class than the smaller district officer would be?—Certainly.

218. With regard to the want of precision in the specifications which you speak of, surely that does not exist in counties where there are assistants?—Certainly not; because they have assistants, they are able to do otherwise.

219. Do you not think that the giving travelling expenses also to the county surveyor would have an effect in multiplying his visits to the districts under his charge?—Yes; no doubt of it. In many large counties more than the whole

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amount of the salary that the county surveyor gets now might with advantage to the public be spent in travelling about.

220. And what he does spend is a very considerable reduction from his salary?—A very considerable reduction.

221. Mr. *Macartney*.] Under the Act of 6th & 7th of William the 4th, the counties in Ireland generally are divided into classes for the county survyors?—Not for the county surveyors, I believe.

222. Do they all get the same salary?—I believe they do. The maximum salary mentioned in the Act of 300 *l.* was fixed in every instance.

223. And are you prepared to say that every county surveyor in Ireland gets the maximum?—I am not prepared to say that from my own knowledge. I see it mentioned in the Report of the 1842 Commission that the maximum salary of 300 *l.* was fixed in every instance in Ireland as the salary for the office.

224. By the grand juries?—Yes, by the grand juries.

225. That is, stating that each surveyor in Ireland has 300 *l.* a year?—Yes.

226. And 50 *l.* for an office?—Yes.

227. So that the county surveyor of the smallest county in Ireland, who only inspects works upon which 4,500 *l.* a year is laid out, has the same salary as the county surveyor of a county who inspects works upon which 30,000 *l.* a year is laid out?—Yes, that is the fact.

228. With regard to other offices, the county of Antrim has always appeared as a first-class county, and the county of Louth as a third-class county?—There is a classification of office for other purposes.

229. And the county of Dublin has always stood alone; it did not fall, I think, within any of the classes under the 6th & 7th of William 4th for county officers?—Dublin is placed in Class 2.

230. According to the table which has been laid before the Committee it would appear that for the outlay of nearly 20,000 *l.* in the county of Antrim, the supervision cost 300 *l.* a year to the county surveyor, with 50 *l.* for office; and the total amount for deputies and all is 1,080 *l.*?—It appears from the information which the county surveyors have collected, that in 1854, when the total outlay was 30,764 *l.*, the cost of superintendence was 905 *l.*, the cost of superintendence in 1834 was 1,080 *l.*, and the amount of expenditure in that year was only 19,628 *l.*

231. What was the outlay in the county of Louth for the year 1854?—The total outlay in 1854 was 5,368 *l.* 16 *s.* 8 *d.*

232. What was the amount of the supervision?—Four hundred and ninety pounds.

233. What was the total outlay in the county of Mayo?—Twenty thousand one hundred and thirty-four pounds; the cost of supervision was 400 *l.*

234. What was it in the county of Kildare?—The total outlay was 7,645 *l.* 4 *s.*, the cost of supervision was 400 *l.*

235. What was it in the county of Carlow?—The total outlay was 6,508 *l.* 13 *s.* 3 *d.*, the cost of superintendance was 400 *l.*

236. Now what was it in the county of Dublin?—The total outlay was 19,905 *l.* 5 *s.* 1 *d.*, the cost of superintendence was 800 *l.*

237. Then that varies from the statement which you have made of the three salaries, as the three salaries would amount to 1,000 *l.*?—The salaries were altered last year; this return was for 1854.

238. Then according to the different rates of payment, the county of Dublin have had a higher rate for supervision than the other counties, in proportion?—Not so, for if you reduce it to the per centage of cost upon the expenditure, probably that will give the result you wish for. In Antrim the per centage of cost in 1854 was 2.94; in Mayo the per centage of cost was 1.98; in Louth it was 9.12; in Carlow it was 6.14; in Kildare it was 5.23, and in Dublin it was 4.01.

239. Then, supposing the extent and the importance of the works to be the same through the different counties in proportion to the extent of their area, do you consider that a fair and just remuneration generally to the county surveyors, upon the present principle of a uniform salary?—Certainly not.

240. In the county of Dublin there are no assistants?—There are not.

241. In the county of Antrim there are 12?—Yes.

242. How many in the county of Louth?—Four.

243. How many in Mayo?—Two.

244. How many in Kildare?—Two.

245. How

245. How many in Carlow?—Two.

246. In the recommendation of the district surveyors, have the body of surveyors, in order to carry out efficiently the views of the report, taken into consideration what number of district surveyors would be required in Ireland?—They have not.

247. They have stated that several counties are so large that no individual surveyor for the county, upon the present principle, could do the duty properly; I think they mention seven; Tipperary, Cork, Tyrone, and four others; is not that the case?—I believe it is; there are certain counties which it is desirable to divide into two.

248. I think you stated before, that the county surveyors did not approve of restricting the county surveyors entirely to county duty?—Quite so.

249. Sir *William Somerville.*] Is this body of gentlemen to whom you allude composed solely of the county surveyors, or are there any other county officers combined with them for that purpose?—It is composed solely of county surveyors and the district surveyors of Dublin.

250. Mr. *Henry Herbert.*] Will you allow me to call your attention to the 130th section of the 6 & 7 William 4, c. 116; "And be it enacted, that every person who may contract for the execution of any work under this Act shall, on the completion of the work for which he may have contracted, or whensoever by the terms of such contract he may be entitled to payment, give notice to the surveyor of the county, 10 days at the least before the day appointed for the holding of the first presentment sessions in the county after every assizes or presenting term, of his intention to make application as hereinafter provided, and require of such surveyor a certificate of the due execution of such work or performance of such contract;" that was what I alluded to in my former question; I want to know if, in the giving or refusing that certificate, you have to depend upon the reports of assistants, you think that your decisions would be received with the same confidence by the public as if it was understood that that refusal or giving of the certificate was to emanate from your own knowledge, whether the work had been duly performed or not?—There is no doubt whatever but that it would be more desirable for the public and for the county that the county surveyor should be in a position, from his own immediate knowledge, to give that certificate in every case. But to make that a *sine quâ non* would be attended with so very much greater inconvenience in other ways that the advantages of it would not be repaid by the great additional cost which it would require. The county surveyor would in almost every case, be able to make a report, founded, at least in part, on his own knowledge, with regard to the term of 10 days given in that section, it is absurd to imagine that he could go and certify his entire county in that time. He will found his reports and decisions upon examinations which he has made at a previous period of the year, and taking these conjointly with the reports, which he receives at the moment from the subordinate officer, he is in a position to give a result which ought to be satisfactory, provided his district is not too extended.

251. Are you not aware that that section imposes the one duty upon a county surveyor which, morally speaking, is the most difficult to perform, inasmuch as a strong pressure is frequently put on him by the friends of a contractor to certify for a work, when he himself hardly thinks that that work deserves a certificate?—No doubt it is a position which requires the exercise of sound and proper judgment.

252. And where in a county generally the county surveyor is a gentleman of very high character, his decision is received with satisfaction by the public, even by the friends of those to whom he refuses a certificate?—I have no doubt it would be, because they would see that he was actuated by no motive but to do that which he conscientiously believed to be his duty.

253. Do you not think that there is some danger when it is known that he must derive his information at second hand from a subordinate class of persons, that his decision would lose that weight which they now possess?—He would only, as I apprehend, receive that information to a certain extent; he would take it in conjunction with the knowledge which he himself possesses in reference to the subject. No doubt in some extremely large counties in Ireland a difficulty exists; for instance, in Cork there would be a very great difficulty in the surveyor for that county being able in every case to act from his own knowledge, but in the majority of counties in Ireland, there would be no difficulty whatever in the

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county surveyor being able to act; at any rate in part, and to a great extent from his own knowledge upon the subject.

254. Do you not think that in all cases of the refusal of a certificate, the county surveyor should be able to state that he does so from his own knowledge?—Certainly.

255. Then your answer stating that there are some counties so large that it would be almost impossible for him to do so, would rather seem to imply that the suggestion of the Commissioners of 1842 would be the proper mode of meeting the difficulty, namely, by increasing the number of surveyors, and not the number of assistants?—No, because you have and may use the power, by which no county or division of a county need be left so large that the county surveyor would not in every case be able to judge of a work, at least sufficiently from his own knowledge on the subject.

256. I understood you to say that there are some districts that are so large now that that is impossible, and if we are to make a change, would it not rather seem that it should be in the direction of increasing the number of county surveyors than of the assistants?—In reference to those matters which are connected with the actual practice in connexion with the counties, inasmuch as the committee will have an opportunity of examining county surveyors, possibly they may consider that it would be desirable to obtain their opinions from them upon that subject; I have no objection whatever to state to the Committee what I believe to be their opinions upon the subject.

257. You have had experience in other counties besides Dublin, have you not?—Not as a county officer; I have some knowledge of course of the practice pursued, but I have never acted in any other county but Dublin.

258. May I not conclude this, that you are not quite prepared to maintain that there are not some districts where, if a change is made in the present system, it should be rather in the direction of adding to the number of surveyors, as well in some instances as adding to the number of assistants?—I think that it admits of question whether it would not be desirable in some cases to increase the number of surveyors; as an individual, I think it would be desirable in some cases to do so.

259. You are aware of course of the great tendency that there is in Ireland amongst the class of contractors to believe that the decision of any public officer is biassed by private motives?—Amongst the class of persons with whom I have been brought into contact in the county of Dublin, feelings of that kind do not prevail, so that I have not had an opportunity of judging of that matter.

260. That may be from their high confidence in you, but do you think that that same feeling would prevail if they supposed that you yourself did not judge, but that you judged through another; for instance, through such a class of persons as you would procure for 100 *l.* a year?—Such feelings might prevail.

261. Mr. *Cooper.*] Supposing that it was the opinion of the Committee that the county surveyors should be continued along with the assistants, as you seem to think best, what advantage would the public derive from the proposed increase of salary of the surveyors, and also the payment of their travelling expenses?—More economically and more efficiently executed works, a general improvement in the works themselves, and a diminution of their cost.

262. Then, does not your remark that county surveyors cannot personally attend now to all their duties arise principally from the fact, that if they did, their expenses would amount to a sum beyond their salaries?—To some extent it arises from that.

263. Mr. *Waldron.*] Do you not think that the effect of your proposal if carried out, would be to shift the responsibility at present attaching to the office of county surveyors to the assistant surveyors, who being an inferior class of persons, the same confidence would not be placed in their decisions by the ratepayers, as there is now in the county surveyors' decisions?—I think that if there is a proper arrangement of the two offices, the county surveyor ought to be held fully responsible, and that he ought to be in a position to act sufficiently in every case from his own knowledge.

264. How can you secure that responsibility by your plan?—Partly by placing the officer in a proper position with reference to his remuneration; partly by not giving him too extended an area over which to do his duties; and partly by giving him a suitable and efficient class of assistants.

265. What do you mean when you say a suitable class of assistants?—Persons sufficiently

sufficiently qualified; in certain districts, I would propose that you should have more than one class of assistants, and that you should thereby produce an additional check by having one person who could be employed in certain cases as a check over the others; that the surveyor would not be trusting therefore to the report alone of one person, but of another of a superior class, over whom, as well as over the others, the surveyor ought to be vested with a sufficient control.

266. If I rightly understand you, you would have one person as a sort of deputy county surveyor, over the assistant county surveyor?—In certain special cases.

267. Sir *William Somerville.*] Your opinion is that the county surveyor should himself be able to report upon every kind of work to be done?—Yes.

268. And that he is prevented from so doing now by an insufficient salary?—Partly.

269. Do you think that if his salary were ever so much increased he could do it; do you think that in a large county he could so superintend and be able to account for every work carried on by grand jury presentments as to give an answer to the grand jury whenever he was called upon to do so?—I think he could have such a system of organisation under him that he could produce a satisfactory result; to produce an equally good result in the other way, that is, by district surveyors alone, would require such an enormous expenditure to be incurred that it would never be contemplated.

270. Did not you say that there might be cases where it might be desirable to appoint another surveyor?—There are some cases.

271. Would you divide the counties for that purpose?—Yes.

272. In fact, that would be two distinct surveyors?—There are several counties at present where that is so; but I do not regard the officers in those cases as similar at all in class to the "district surveyors," proposed in the report of the 1842 Commission.

273. What do you suppose it means?—A very limited area indeed, because, to do the duties contemplated by that report, you must have an exceedingly limited area, very much more limited than I contemplate in the observations that I have made.

274. Mr. *Hassard.*] When you speak of dividing the county, would you have assistants under each surveyor?—Yes.

275. When a county was divided, each shire or riding of that county would be, as it were, a county of itself?—Yes.

276. Did not you say that you considered it the duty of a county surveyor to visit each work of maintenance in person, twice a year?—Yes.

277. And that that would be sufficient if he had a good class of assistants?—Yes.

278. But with regard to the more important works upon which he should exercise a constant supervision, he could devote his time to them, and would visit them frequently?—Yes. There is this qualification, that in every county there are some roads that require more frequent visits, and an average of two visits in the year to each might be taken to represent what would be sufficient.

279. Is your objection to abolishing assistants and substituting district surveyors, this; that you would be obliged to get a class of surveyors higher than the present assistants, but lower than the present surveyors, and who would be too good for the lower work, but not sufficiently qualified for the extensive works of the county?—Quite so.

280. *Chairman.*] With regard to the 130th clause to which reference has been made, that all the contractors of a county may within ten days before the day appointed for the purpose of holding presentment sessions, make applications for payment, requiring the surveyor to give a certificate; is it physically possible for a surveyor to do that under the existing system?—It is quite impossible, or under any other system.

281. It is physically impossible, therefore, under the existing system that the county surveyor can inspect all the works that he is required to give certificates for within ten days?—Yes, or under any other system.

282. Then upon what must he depend under the existing system, for the power of giving that certificate?—He must depend upon previous knowledge, and upon the reports which he may receive from his assistants.

283. Under which system would it be likely, then, that his certificate would obtain greater authority; if he was enabled to give it under the sanction of an improved and better system of assistants, or under the system of assistants at 50 *l.*

a year, upon whom he is now mainly bound to rely?—It does not admit of a doubt that the advantage of improving the system of assistants would be very great.

284. Therefore, if there be a difficulty, as has been suggested, in respect of the certificates given by county surveyors, would not the difficulty be diminished, and the validity of the certificate be increased, as compared with the existing system?—It would.

285. Mr. *Henry Herbert.*] If you look at the section of the Act you will see that there is nothing in the Act to imply that the surveyor need visit the work during those ten days, but that he may judge from what he has seen on previous occasions?—Certainly.

286. Mr. *Macartney.*] But in case he had not seen the roads within a certain time himself, if he did not depend upon the report of an assistant, would he not be liable and open to the imposition of a man saying that a work was finished, and getting his certificate?—Of course.

287. Mr. *Waldron.*] In case it was decided to appoint the surveyors, what area would you give in charge to each?—That would vary according to the work of the district.

288. Taking one district with another, what would you recommend?—I have not given that attention to the subject which would enable me to give a precise answer. In the county of Dublin it would be a very limited area as compared with the county of Mayo.

289. *Chairman.*] Have the committee of the county surveyors generally come to any opinion with reference to the expediency or the inexpediency of the county surveyor being allowed to take private business?—They have; it is their opinion that they should not be restricted from private practice.

290. Can you state the grounds upon which they have arrived at that opinion?—I have drawn up my own opinion upon the subject, which I believe is shared by the county surveyors generally.

291. Have you submitted that opinion to the committee of the county surveyors?—Yes; it is considered private practice would only be objectionable if it occasions neglect of and inattention to duties. It is believed that an instance is not to be found where this effect can with propriety be charged to such a cause, but that, on the contrary, wherever much private practice exists, careful and well-devised management and good results will invariably be found. Among the reasons why, may be mentioned, because the opportunities for private employment available to any surveyor will be found to occur almost entirely (as a general rule) within his own district or neighbourhood, and can be attended to concurrently with the discharge of his official duties, which they in consequence often necessarily occasion;—because private practice will not be enjoyed to any extent unless justified by the talent of the officer, and it may be expected that a person calculated to induce it, would always be found judicious and skilful in arranging the management of county matters, so that the result would be to his credit; the abilities which lead to the former would render the latter easy. Besides, what stronger incentive to careful attention to public duties could there be, in the instance of such an officer, than the fact that employment privately would mainly depend upon the character acquired as a county officer, because thereby professional skill and aptitude for management of business will be maintained and increased; and further, because any improvement in the pecuniary resources of the officer is calculated to promote the efficient discharge of his duties by rendering it less an object of importance to avoid or rather reduce the heavy expenditure of money out of pocket thereby rendered necessary. It is impolitic to restrict, because thereby not merely would the improvement of the officer in general professional skill be at an end, but, supposing a person so fettered to remain in the office for a considerable time, deterioration of his attainments would be the result. The confinement of practice and abilities to so limited a sphere as is represented by ordinary county duties, would have the certain effect of lessening professional acquirements, except in respect of the specialities to which they are confined. Regarding those county works not of such constant occurrence which require talents and experience of a high class, such as important bridges, piers, harbours, &c., when met with, talents rusted through disuse and out of date, experience alone would be forthcoming to grapple with occasions which, to be met properly, would require the practised, confident, and matured judgment of the professional, whose frequent occupation it was to deal with subjects of a kindred nature, or those affording scope for his higher intellectual powers. The supposition above made that

persons

persons would remain long in an office so circumstanced is not likely to prove true in the instances of persons of real talent, unless they were influenced by the inducement of a fixed salary much more considerable in amount than would otherwise be sufficient; the persons filling the office, under such a restriction, would therefore most probably be a succession of young professional men, or those who, from motives of expediency, were constrained to remain in it; the latter either not having had opportunity of promotion, or not being possessed of that spirit of enterprise which, impelling them to seek at all hazards scope for professional improvement, would cause a preference to be given to such a chance, rather than to the settling down with the certain income, accompanied, as it would be, by the disheartening reflection that education and talents were to be cramped in their exercise, if not buried. The removal of so powerful an incentive to exertion that professional reputation may be acquired, would favour the growth of indifference and lukewarmness in the discharge of duties, except in so far as might be needed to avoid censure. The amount of private practice generally through Ireland is very inconsiderable.

292. You have stated to the Committee in your evidence, that according to the views entertained by the county surveyors, they are scarcely adequate to the proper discharge of their existing public duties; how do you reconcile that with your suggestion, that it is desirable that they should be encouraged or permitted to take private business?—As I have mentioned in the document which I have read, the private practice which they would enjoy, would in the main, be so circumstanced as to enable them to discharge their own duties concurrently with it.

293. In what respect?—It would be in their own district as a general rule.

294. If the county surveyor at present, in his own district, is inadequate to the discharge of his public duties, how do you make it appear that he would be rendered more competent to the discharge of those duties by taking private business?—In reference to his private practice, he can employ assistants at home, and a large portion of the work would be done by assistants under his direction; it would be in his district, and would necessarily bring him in contact with his own professional duties.

295. Do you think it likely that contemplating the discharge of his duties in reference to his private business by deputy, and his public business by the exercise of his own superintendence, he would be likely to give satisfaction to his private employers?—As much so as other persons would; the constant practice of all professionals being to act through assistants as to certain portions of the work.

296. What kind of practice do you contemplate that a county surveyor should be allowed to perform?—Any private practice of an engineering or architectural nature in his own district; I think it would be a great public advantage to the counties of Ireland that the residents in them should be able to take advantage of the professional talents of such qualified officers; it is not in districts in Ireland that you could expect to have an engineer or an architect of eminence, and in that point of view, it would be a very great convenience and benefit to the country at large to be able on the spot to obtain professional services of such value.

297. Take the case of a county surveyor at present overcrowded with his public business, and an application coming to him from a gentleman to examine and make a plan of his house; how would he meet that?—I do not think that a county surveyor would, under the system that it would be desirable to adopt, be in that position, that he would be overcrowded with business, so as to prevent his giving attention to a subject of that kind. It would be the opinion of the county surveyors, I think, that there should be a full power of putting a veto upon the engaging in private practice, if it were found that it was being exercised in a manner to affect injuriously the county interests.

298. Some of the most eminent of the county surveyors in Ireland, at the present time, are largely employed in private business?—Yes; and that is the best practical proof that can be adduced in support of the opinions which I have put forth, that where private practice is enjoyed to a large extent, you will find concurrently with it county works efficiently and satisfactorily managed.

299. You have stated, that allowing county surveyors to take private business would be an incentive to exertion; but I understood you to state that it would be principally of an architectural character, connected with the building of houses?—Yes, and also of an engineering character; the engineering improvement of the district.

300. Do you contemplate that a county surveyor should be allowed to supervise drainage works for a proprietor, or to plan them?—Yes.

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301. In counties in which drainage is largely required, would not that involve a very considerable amount of his time?—At the present time, when there is no restriction, there is no private practice enjoyed by county surveyors to any such extent as to impede the discharge of their public duties.

302. Is it understood generally that they are allowed by their grand juries to take private business under the existing system?—I believe so.

303. Mr. *Hassard.*] Is not the demand upon the time of a county surveyor intermittent; are there not certain seasons when he is much busier than at others, namely, the seasons preceding the presentment sessions?—Yes.

304. He has much more leisure between those seasons?—Yes.

305. You do not mean to say that it is impossible, under the present system, for a county surveyor to perform all his requisite duties in person?—I do not.

306. Is it not the fact, that if a county surveyor was enabled to spend a little more money in his travelling expenses, and thereby increase the frequency of his visits to his roads, he would not have much time for private practice in large counties?—No, not for much private practice.

307. Do you think that he might combine a little private practice with his county duties, being able to perform his county duties when travelling to his private practice?—Yes; but the amount of private practice that will come to any county surveyor will depend mainly upon his qualifications for the public office, and his successful management of it. The decisions and certificates of an officer who is qualified to induce much private practice will be received with confidence, and his talents will enable him to give satisfaction both to the public and to his private employers.

308. Mr. *Macartney.*] Are you in a position to state what number of county surveyors are generally employed in private practice?—I am not.

309. There are four or five that are known principal architects and engineers that have considerable practice, I believe?—Yes; there is one in particular who has a considerable amount of private practice, and there are several others who have practice to a considerable extent.

310. I think, in the case of the surveyor of the county of Antrim, all the public buildings that have been erected since he has been appointed have been made upon his plans and estimates?—Yes, I believe so.

311. Also, in the county of Louth, the public buildings have been designed and carried out by the county surveyor?—Yes.

312. And both those gentlemen have considerable private practice?—Yes.

313. And there are one or two in the south of Ireland that have private practice to some extent?—Yes.

314. But take it as a general rule, county surveyors are not engaged in private practice to such an extent as to interfere with their public duties?—They are not.

315. The duties of a county surveyor in other counties, under the 6th & 7th of William the Fourth, are necessarily confined to two short periods of the year, compared with the duties that now, under the system of the county of Dublin, are spread over that county; is not that so?—There are in the other counties of Ireland special periods of the year which I have already mentioned, during which the duties press more than at others upon the time of the surveyors. In the county of Dublin there is a more constant and equable demand upon the time.

316. The operations of the contractors in the county of Dublin are more uniformly spread over the whole year than in other counties?—Yes, they are.

317. Is it not the case that the activity of the contractors in other counties, in works of maintenance, commences, for a short period, comparatively, previously to each assizes?—I have not very much knowledge in reference to that, but it is human nature that it should be so. Even in the county of Dublin, you invariably find that there is a disposition to brush up just when the county surveyor is expected.

318. Mr. *Macarthy.*] I understand you to say that the amount of private practice in Ireland is very inconsiderable?—Taken as a general rule among the county surveyors, I believe it to be so.

319. Then would not the consequence of that be, that those benefits which you have detailed as arising from private practice are inconsiderable in amount?—They are really in many instances inconsiderable in amount; and so far as that is concerned, I am quite sure that, in a pounds-shillings-and-pence view of the question, if it were only put in that way, many would be willing to give it up; but, upon principle, they think it necessary to put forward their opinions upon the

the subject, believing that it would not be to the public advantage that they should be restricted from private practice, even to the limited extent that it is carried on in many districts; that it would be injudicious, as regards the public, to place such a restriction upon them. They think that the power should be controlled, if it was exercised in an injudicious manner, or in a way to interfere with the proper management of the county works; but they think that to make it an absolute rule that it should not be enjoyed would unquestionably be against the public interests.

320. Do you think that it would be more for the advantage of the public that the surveyors should acquire that amount of skill which this inconsiderable practice would give them, rather than that they should devote more time to the execution of the public work?—I do not think that virtually it would interfere with the amount of time devoted to the public work.

321. Sir *William Somerville.*] Do you think it necessary that a county surveyor should at any time devote more time to his public work than he does now; because you said that it would be advisable to increase his allowance for travelling expenses; is it that his work is inefficiently performed now?—In many cases I think, in consequence of the amount of the salary, the work is not performed as efficiently as it might be.

322. It is not then that he has not time, but that it would be too great a drain upon his purse?—In some cases it is so.

323. Mr. *Henry Herbert.*] You stated that there were particular times when a county surveyor would be more active than at others, would not that be in consequence of all the public work that he has to do being concentrated during two periods of the year previous to each assizes?—Partly from that; but that intermittent action is partly in consequence of the attendance upon the sessions, which occurs all at one time. The necessary preparation for it, and the actual attendance upon the sessions in a large county, where there are a great number of baronies, occupies a considerable time.

324. How then do you argue that his time is not taken up for the whole period of the year with assizes and road sessions, and then the necessary superintendence; how could there be much time for private practice without interfering with his public duties?—As I before mentioned, to a very large extent the two could be carried on together.

325. Mr. *Waldron.*] In the case you stated you assumed that, in all cases, the private business of a surveyor is in his own county; are they not frequently taken out of their own counties into adjoining counties?—I put it as a general rule, but no doubt that is the fact.

326. If that be so, must he not neglect his duty by going out of his own county to look after private business?—I do not think there is a justification for the surveyor's seeking for private business at a great distance from his own district.

327. Mr. *Cooper.*] Is it not a fact, that county surveyors very often perform their public duties, and examine public works, while going to and from their private employment?—No doubt about it. For instance, if a design is being made by a county surveyor for the building of a house, for a gentleman; as would be the case with every other architect, the preparation of the designs would not be altogether done by himself; he would block out the designs, and the drawings would be made by assistants; in making inspections of the work he would of course pass through his own district in order to get to it, and he could discharge his public duties at the same time.

328. And in such cases are not the travelling expenses paid by the private employer?—They may be indirectly. It depends upon the arrangements made.

329. Is there not an advantage to the public from private practice on the part of the county surveyors, derivable by the expenses being paid by the private employer?—No doubt a county surveyor having a very large amount of private practice in his county, would be placed in a position in which his travelling expenses would be of less importance to him.

330. Do you think that it would be right to allow travelling expenses to surveyors at the same time that you allow them private practice?—Certainly; because the amount of the private practice, as I before mentioned, is inconsiderable; I believe evidence is contained in that same Report of the Commission of 1842, from which you will find that the amount is very inconsiderable.

331. *Chairman.*] Do I rightly understand you to state that the question of pri-

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vate practice has been discussed and considered by the committee of county surveyors?—Yes.

332. And are the opinions which you have now expressed the opinions of that committee after discussion?—I believe I have given the general result of their views upon the subject.

333. The grounds upon which they think it desirable being, in the first place, that it would rather tend to raise the position of the county surveyor?—Yes.

334. In the second place, that the being debarred from it would have a tendency to exclude him from a branch of business that might be advantageous to the public interests?—Yes.

335. Thirdly, that it would place him in a worse pecuniary position?—Yes.

336. And fourthly, that it is not incompatible with the discharge of his public duties?—Yes.

337. You have already stated that the county surveyors, with the exception of the county of Dublin, are appointed by the Lord Lieutenant?—Yes.

338. In the county of Dublin the appointment is made by the grand jury?—Yes.

339. You have already said that there is a preliminary examination; will you state under what authority that examination takes place, and under what regulations by law at present?—The 39th section of the Act of the 6th and 7th William the 4th, chapter 116, is this: "And be enacted, that the Lord Lieutenant of Ireland shall from time to time appoint a Board of three Civil or Military Engineers to act, without salary or emolument, in Dublin, who shall from time to time examine and certify the qualifications of all persons desirous to act as surveyors or assistant surveyors under this Act; and such Lord Lieutenant shall appoint, from time to time, out of the persons so certified, one or more surveyor or surveyors to act, at the salary or salaries hereinafter provided, for each county; and it shall be lawful for the said Lord Lieutenant, from time to time, at his pleasure, to remove such surveyors from county to county."

340. Then a preliminary examination by a Board of Civil or Military Engineers, acting without salary, is the first qualification?—Yes.

341. Can you state of whom the Board of Civil and Military Engineers, by whom this examination has heretofore been conducted, has been composed?—There has been a return to the House of Commons upon that subject. It was moved for by Mr. Vance. The commission of the 3d of April 1834 was given to Colonel John Fox Burgoyne, John Radcliffe, Esq., and Jacob Owen, Esq. The commission of the 9th April 1838 was given to Colonel John Fox Burgoyne, John Radcliffe, Esq., and Jacob Owen, Esq. The commission of the 16th of March 1846 was given to Lieutenant-Colonel H. D. Jones, John Radcliffe, Esq., and Jacob Owen, Esq. The commission of the 8th of April 1851 was given to Richard Griffith, Esq., John Radcliffe, Esq., and Jacob Owen, Esq.

342. There have been four commissions since the commencement?—Yes.

343. Those four commissions have consisted of gentlemen principally connected with the Board of Works?—Yes.

344. Can you state how many examinations have been held under each of those commissions, or what their system of examination has been; whether they have had periodical examinations, or occasional examinations as vacancies might occur?—I believe that the examinations have taken place from time to time, as occasion required.

345. You were examined upon one occasion yourself as a candidate for a county surveyorship?—Yes, under the commission of the 16th of March 1846.

346. Does your name appear in that return which was obtained by Mr. Vance?—It does not.

347. Will you explain how that was?—I had reason to believe that my name was returned as qualified, and I lately called upon Colonel Larcom to inquire whether I was correct in that supposition; he requested me to write a letter to him on the subject, which I did, and I received this answer: "Sir,—I am directed by the Lord Lieutenant to acknowledge the receipt of your letter of the 15th instant, relative to the examination for the office of county surveyor, and in reply I am desired to acquaint you that your name is in the list certified by the Board of Examiners on the 9th September 1847, where it stands next in succession to Mr. Garrett as qualified to fill the office of county surveyor. It appears to have been omitted in the returns made to Parliament, from the circumstance of your

your having been at that time a district surveyor of Dublin, and on that account having declined a county surveyorship."

348. The omission of your name in that return of Mr. Vance's was an accidental omission?—Yes.

349. Upon what occasion was it that you went in to be examined for the county surveyorship, you being already a district surveyor?—I understood that the certificate which I had obtained for the office of district surveyor in Dublin would not qualify me for the office of county surveyor, and I desired to be qualified for both, in case I might desire at any time to make a change.

350. Is it held now to be the rule that the certificate upon the examination under the county of Dublin Act, is not a qualification for candidates for the office of county surveyors in other counties?—I believe it is not a legal qualification.

351. Were there many candidates on the occasion on which you tendered yourself for examination?—There were a considerable number; I think about forty.

352. What number of vacancies were there?—I really do not know, but Donegal was vacant very shortly afterwards.

353. Is the system to hold examinations in reference to vacancies, or to hold examinations irrespective of vacancies?—I believe the system to be that a list of persons qualified is returned to the Lord Lieutenant, and when that list appears to be exhausted, or nearly so, another examination is held for the purpose of having persons in readiness to appoint, if vacancies should occur.

354. Is any publicity given with respect to the time when an examination is to be held, as far as you know?—It is not advertised, I believe.

355. Can you inform the Committee in what manner it is that parties become aware that an opportunity is to be afforded them of undergoing this examination, and obtaining this certificate?—Any person who made application to the Board of Works and expressed his desire to be examined for the office of county surveyor, would be informed; his name would be placed upon a list, and intelligence would be given him when an examination was to be held.

356. Is any publicity given with regard to the names of persons certified as qualified, or with regard to the nature of the examination that they undergo?—No, I think not.

357. What was the nature of the examination which in the year 1847, you had to undergo?—It was by written questions to which written replies were required; the previous education of the candidates was inquired into, and their connection with the profession previously; testimonials were required from them as to their professional skill and general character; and they had to produce samples of their own drawings. I recollect there were questions with reference to the practice of surveying, levelling, and general field work, mathematics, natural philosophy, mechanics, and hydraulics. With reference to the practice of road making and road repairing, subjects to which particular attention appeared to be devoted, a great number of important questions were put; and also with reference to bridge building. The subjects which appeared to be most dwelt upon were bridge building, and road making. There were likewise questions put upon architectural and miscellaneous subjects, and with reference to the proper employment and management of workmen.

358. Those questions being, as I understood you to state, all on paper?—Yes.

359. How long did the examination last?—About 10 days, I think, was the time that I was examined.

360. How long each day?—I think from 10 o'clock to half-past four.

361. Were the candidates examined together?—They were in the same room.

362. Was there any list formed of the candidates in the order of answering according to the views of the examiners?—I have no opportunity of giving authentic information upon that matter; I believe it was quite in the order of merit.

363. Was there any system as to the number of questions answered, or anything at all similar to the system now established at Woolwich; for example, the number of marks the several candidates may have obtained?—I imagine it was done in that way; but I do not know.

364. Have you turned your attention to the subject of an improvement in the

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mode of examination preliminary to the appointment of county or district surveyors?—Yes.

365. Can you suggest any improvement to the Committee upon that subject?—The committee of county surveyors with whom I have been acting have inquired from the body generally their opinions in reference to this subject, and I can give you the general result of it. As to the constitution of the body, it is their opinion that the Board of Examiners should consist of three civil engineers of eminence and practical experience, of whom one should be a county surveyor; it is their general feeling that it would be desirable at least one of the examiners should possess a sufficient knowledge of architectural matters, and that all should be persons who possess, in addition to what is ordinarily considered practical knowledge, a sufficient amount of scientific knowledge.

366. Do you propose that it should be a permanent body, or that it should be changed at certain intervals?—That it might be varied from time to time with advantage, and that the members of it should be paid; as to the question of publicity, I think that it would be very desirable, and it is also the opinion of the body that a considerable amount of publicity should be given in reference to the examinations; that there should be full notice of the times at which the examinations are to be held, that the examination after it had taken place should be open to public observation, by the publication of the names of the examiners, the names of the successful candidates in the order of merit, the nature of the examination, the questions put, and the general results of the answering.

367. Have you had any opportunity of examining the report upon the examination for appointments to the Royal Artillery at Woolwich?—Very cursorily. I have just seen it this morning, but I have gathered the general outline of the system pursued there.

368. Do you approve of a system strictly competitive as it appears to be there?—Yes, certainly.

369. Each candidate being numbered, each candidate obtaining a certain number of marks from the examiners in reference to each department of the examination, and subsequent to the examination the numbers, and the marks, and the examination papers being made public, in order that the public may have an opportunity of judging of the nature of the examination, and each candidate of ascertaining for himself the opinion which the examiners entertain with reference to his answers in each department?—Yes, I approve of that.

370. Do you think that that could be advantageously applied in Ireland to the examination for assistant surveyors or county surveyors?—Certainly, it would be applied with advantage in connexion with the office of county surveyors, and it might be employed also in connexion with the office of assistant surveyor in the special cases where persons of a superior class were needed; exactly that system of examination would not be needed with reference to the great bulk of the assistants of the country.

371. Supposing the salaries of the assistants were increased from 80 *l.* to 100 *l.* a year, do you not think that there would be a considerable number of candidates who might be submitted to such an examination?—Yes, so far as adopting the competitive system in reference to any examination or publicity with reference to it is concerned there could be no possible objection made to it; what I mean to convey is, that the class of duties which would be delegated to the office of assistant surveyors, that is, to the greater number of them, would not be of such a class as to require any very extensive examination.

372. Will you state to the Committee what you consider to be the branches in which candidates for the office of assistant surveyorships, under what I may call the improved system, ought to be subjected to examination?—That they should be fairly educated in general knowledge, in accounts, in arithmetic, and matters of that kind; that they should be fully competent to undertake the measurement of stones, and to make surveys upon a small scale, as far as it was necessary.

373. Mensuration?—Yes, mensuration.

374. Surveying?—Yes.

375. To what extent would you require any amount of mathematical knowledge?—In the ordinary class of assistants, to no considerable amount.

376. Supposing that instead of having a graduated scale of assistants it was deemed expedient to have but one assistant, in that case would it appear to you

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to be desirable that there should be such an examination for assistants as might secure to the public the advantage of persons who would ultimately rise in their profession even to the highest rank?—I do not think that it would be necessary to adopt that system with reference to the full number of assistants that would be necessary; you would be liable to the disadvantage of acquiring a class of men who would probably be superior to the class of duties they had to perform.

377. Do you consider that it would be a disadvantage to have men of superior education, supposing there was a prospect of preferment?—The class of duties which assistants would have to perform are not those which you could expect from an educated gentleman; the office of a county surveyor inevitably and necessarily should be filled by persons of that description.

378. Are not the assistant engineers of railways obliged to perform those duties which you think it is not desirable to impose upon educated gentlemen, namely, measuring and so on?—They are a very different class of assistants for railways.

379. In what respect are the duties different?—The duties are different in regard of the magnitude and importance of the duties confided to them, the laying out of works; duties which would be done by the county surveyor, under this system.

380. Is not it part of the duty of an assistant engineer in a railway to measure contracts, stores, and all those kind of things, which appear to fall within the duties of an assistant surveyor?—Yes; his duties are to measure, in order to justify payments to the contractor.

381. Are not those functions analogous to the functions which would be imposed upon an assistant surveyor?—No, they are not, in my opinion; the ordinary duties of the general class of assistant surveyors should be more those of a steward than of an assistant engineer,

382. Measuring contracts, for example?—There is an amount of detailed and constant measurement of materials, in connexion with road repairs, and a constant looking after and remaining with, and having charge of the men employed, especially when works are given or taken in charge by the surveyor.

383. Mr. *Hassard*.] I think the duties of an assistant surveyor are merely measuring lengths, and the duties of a clerk of the works are to inspect the execution of masonry?—Yes; it is more a person in the rank of an overseer which is required for the main mass of the county works of Ireland, with the exception of special cases, where superior assistants are required; persons of the latter class might be subjected to the same examination as county surveyors, and they might be in that rank and position that you might ultimately expect to recruit the ranks of the surveyors from among them; but I think it would not be desirable to apply such an examination to the assistant surveyors generally.

384. The person that you speak of would be more like a deputy surveyor?—Yes; or the assistant engineer upon a railway; but the assistant engineer upon a large railway is very frequently in a position hardly inferior to the county surveyor himself.

385. The engineer in chief upon a railway has very little to do with it; it is very often an honorary situation?—Very often. The resident engineers upon some railways are in receipt of salaries superior to those which are received by county surveyors. The resident engineer upon the Great Southern and Western Railway has, I believe, 1,000 *l.* a year and no travelling expenses at all.

386. The ordinary assistants would not require any scientific knowledge?—They would not require any great amount of scientific knowledge; it would tend to produce in many respects, I think, a bad result, by indisposing them in some respects for the class of duties that they would have to perform. What is wanted is a person of the class of a really good overseer, having a practical experience of masonry and other works; and if you expect that amount of experience from young well-educated persons it will be a disappointment.

387. They should have a knowledge of materials?—Yes, certainly.

388. Mr. *Macarthy*.] Are you in favour of an examination of an elementary kind for these assistant surveyors, to inquire into their knowledge of arithmetic and, perhaps, some plain geometry, and their power of making calculations and measuring materials?—Yes.

389. You would approve of a system of examination of that kind?—Certainly.

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390. But you would not require, in point of fact, any scientific knowledge?—No, not advanced scientific knowledge.

391. Mr. *Henry Herbert.*] Do you propose that that examination should be made by the county surveyor himself, under whom these men are to act, or would you recommend any public mode of examination?—The examination might be made, either as at present, or by a Board of county surveyors appointed for the purpose. There is a practical inconvenience which has been found to occur, arising from the necessity for attendance in Dublin for examination; the person likely to be submitted by the county surveyor would be some one who had come under his observation; in a remote district from the metropolis this inconvenience would be the most felt; a Board of county surveyors might be collected together from some of the surrounding districts for the purpose of holding the examination.

392. You do not intend to take away any responsibility from the county surveyor in consequence of increasing the number of assistants?—Certainly not.

393. Then, if the responsibility remains upon him as at present, would it not be better to throw upon him the responsibility of selecting proper persons?—I think the county surveyors would generally consider that there would be no objection to leaving the appointment and control of that class of persons to the county surveyor, and make him wholly responsible.

394. Do you not think that we might go a step further, and say that it would hardly be fair to the county surveyors to make them as responsible as they are at present if you conducted the examination, and made the appointment in any other manner?—Certainly; that you could not fully hold them responsible; that a surveyor would be in a position to say, it is impossible for you to hold me fully responsible in reference to this matter, when there is a person here who may (as in some instances which have actually occurred) set up a counter authority to mine.

395. Mr. *Waldron.*] You said that you thought this Board of Examiners should consist of three civil engineers, of whom one should be a county surveyor?—Yes.

396. Do you not think it desirable that there should be an architect on the board?—In Ireland it so happens that the two professions of civil engineer and architect are very often conjoined, and there would be no difficulty in getting a person fully competent to examine sufficiently in architecture who was also a civil engineer; and I have already mentioned that it would be desirable to have one at least of the examiners of that class.

397. *Chairman.*] At present the assistant surveyors are required to undergo this preliminary examination by civil or military engineers?—Yes.

398. Can you state to the Committee whether, in point of fact, the assistant surveyors have to undergo that examination in Ireland?—I believe that the examiners appointed require the county surveyors themselves to examine, in the first instance, the officers whom they send up to them to be examined; and then they subsequently examine them; but they trust very much, as it is a matter immediately concerning the county surveyors, to their examination and report. As I heard it expressed by one of the examiners not very long ago, it is a matter which so immediately concerns the county surveyor, that if he has examined the person and is satisfied, in order to prevent the inconvenience which would attend the bringing up one of those persons from a remote part of the country, they, through one of their officers going down upon some other business, delegate to him the powerof bringing down the questions and receiving answers to them, and in that manner conduct the examination.

399. Who appoints the assistant surveyors?—They are appointed by the grand jury.

400. With whom does the power of dismissal rest?—It rests with the grand jury. On certain occasions that power has been delegated to the county surveyor by an order of the grand jury.

401. The assistant surveyor is bound by law to obey the county surveyor?—Yes. The appointment is, in fact, with the county surveyor. I find the legal provision to be as follows: "It shall be lawful for every surveyor to appoint as many persons as the grand jury shall, with reference to the extent of the county, and the duty to be performed, think necessary." The grand jury have the determining of the number of them, and the appointment is made by the county surveyor,

veyor, the dismissal is in the same hands as that of the county surveyor, by the grand jury or the Lord Lieutenant.

402. Mr. *Henry Herbert.*] Practically, as I understand you, although the Lord Lieutenant and the grand jury may have the power in extreme cases, at present the appointment and dismissal of these assistant surveyors rests with the county surveyor, inasmuch as he is responsible for them?—I do not know that the dismissal can be said to be fully in the hands of the county surveyor.

403. Are you aware of any instances in which a county surveyor, having expressed dissatisfaction with his assistant surveyor, has been kept contrary to the wishes of the surveyor?—I am not; but at the same time I am quite satisfied, that in many instances it might be desirable for the surveyor to have the power of dismissing the assistant at a time when he could not get the grand jury's authority upon the subject at all.

404. You mean between the assizes?—Yes, between the assizes.

405. Mr. *Macarthy.*] Is it not the practice, when a surveyor is dissatisfied with his assistant, for him to make a complaint to the grand jury?—Yes.

406. *Chairman.*] With regard to the appointment of the county surveyors, have the body of the county surveyors formed any opinion as to the expediency of that appointment resting with the Lord Lieutenant, as at present, or being transferred to the grand jury, as it is in the county of Dublin?—I think the general opinion is, that it should remain as at present.

407. With reference to the power of the dismissal of the county surveyors, have they formed any opinion upon that subject?—I believe the general opinion to be that it should remain as at present.

408. Mr. *Hassard.*] The power of fixing the salaries rests with the grand jury?—It does.

409. *Chairman.*] With regard to the emoluments of the county surveyors, you have already informed the Committee, I think, that the emoluments being at the maximum 300*l.* a year, are all subject to very large deductions?—They are.

410. Have you any data by which you can inform the Committee with reference to the extent of those deductions in many cases?—I believe that as an average they would amount to at least 100*l.* per annum.

411. Then are you prepared to state, deriving your information from the county surveyors, that 200*l.* a year may be looked upon as their net payment?—Not more than 200*l.*, certainly, on the average; with many it would be less.

412. The deductions are of course necessary deductions connected with the discharge of their duties?—Yes. There are several surveyors in Ireland who, I believe, spend very much more than 100*l.* a year in their travelling expenses. It is stated in the evidence of Mr. Lanyon, before the Commission of 1842, that his expenditure amounted to fully 150*l.* per annum; and I have the evidence of another surveyor that his expenditure has even exceeded that amount.

413. Then the Committee are to infer that the opinion of the county surveyors is, that having reference to the increase in the amount of their duties of late years, their present remuneration is inadequate?—Quite so; it is not merely in reference to this subject lately, but from the commencement it has been their opinion, as will be found expressed in the report of a general meeting of the county surveyors held in 1840, when that opinion was expressed.

414. Have they come to any opinion with regard to the expediency of having any system of superannuation?—Yes; they consider that it should be proportioned to the length of service; and it is felt that their office, more than others, is entitled to consideration under that head; they also think that there should be a retiring allowance in cases where incapacity results from accident or bad health.

415. Are there any practical evils arising from the want of power on the part of the grand juries to grant superannuation allowances?—I believe the natural tendency of it would be to indispose grand juries through feelings of charity or other considerations to dismiss an officer who had served them for a great number of years, and afterwards became practically inefficient from failure of health or from age.

416. Is it the feeling among the county surveyors that that has been actually the case, and that it has operated prejudicially to the public interests, that there have been or are surveyors who, from length of services or accidents, or other causes,

causes, have been rendered unfit for the discharge of their duties, and who yet, from motives of compassion, have been continued in their office?—I think it is very likely that there are instances in Ireland of that sort.

417. Have the county surveyors formed any opinion with regard to other defects which they consider to exist in the present law relating to the discharge of their duties, and, if so, will you be good enough to state their views; do they consider that their power of suing contractors is sufficient?—No, they are found to be practically insufficient; it is felt very strongly that the duties of the county surveyors should not be extended to the making of payments, or to interference with the county funds in any way; they consider that it would be very desirable for the public that in certain cases there should be a power of giving works in charge to the surveyor, and also that there should be a means by which funds should be available in all cases in which it was necessary for him either to receive or take charge of works, that in all such cases there should be a means of having money ready for the purpose; and that the surveyor's duties should be confined altogether to the conduct and management of the works, and the certifying for the expenditure, and that the making of the payments should be placed in other hands.

418. In what respect are the powers of suing contractors defective?—It is alluded to in the letter to Mr. Horsman, at page 11: "The contractor may be dilatory in setting about" the execution of the work; "but however urgently required the work may be, the surveyor is almost powerless to arouse the dilatory contractor to action. Were funds available the surveyor might, under the provisions of the 50th section, cause the work to be executed by day-labour, first serving due notice on the recusant; but without the means of paying wages, for which there is no provision whatever, this remedy is out of the question. Another apparently simple remedy would be to re-let the contract to another party; but the cause of the delay being generally taking the contract at too low a rate, there is no inducement to any other person to take it up."

419. The surveyors have no power of letting a contract, taken at an insufficient rate, to another contractor for a larger sum?—Certainly not; and the only way in which that could be done at all, would be by relaxing the stringency of the specification, which would be manifestly improper.

420. You think that the law requires to be amended in that respect?—Certainly; I think that the change in the law which the county surveyors consider as of the most essential importance, in reference to the management of works, is that prompt payments should be provided. They think that the way in which contractors obtain payments for their work at present is most prejudicial to the public interests.

421. How would you propose to remedy that defect in the existing law?—By requiring that the county treasurer should make use of any funds which he may have in his hands for the purposes of the county to meet all these cases, and that, if necessary, a fund should be created for the purpose of meeting them.

422. Have you read the Bill which has passed during the present Session of Parliament upon that subject?—Yes.

423. Does it meet the defect in the law in that respect?—To some extent.

424. Mr. *Henry Herbert.*] You do not mean to say that you think Mr. Magan's Bill meets the whole question?—No, only in part.

425. Would you not wish that a general system should be introduced of paying contractors more speedily?—Yes; I have already mentioned that.

426. Mr. *Hassard.*] Mr. Magan's Bill only applies where a contractor does not come forward to do the work; but you propose that the county surveyor should be allowed to come forward and take the work which a contractor has failed to perform?—Yes; the difficulty of using that power at present is that there are no funds to enable the surveyor to carry the work into execution.

427. Mr. *Waldron.*] Has your attention been directed to the importance of having County Boards to pay the contractor for what is done?—Yes.

428. Do you think that that would meet the case?—If Financial Boards could be obtained in counties, no doubt the case would be met, if they could be found to give attendance at the frequent intervals that would be necessary in some cases.

429. Mr. *Henry Herbert.*] Did not a portion of your remark rather apply to the fact that a contractor cannot get any money until at least more than half a year's

year's work may, in most cases, have been executed, and therefore he cannot in fact obtain ready money?—Quite so.

430. The county is, practically speaking, going upon a system of credit, and are thereby obliged to pay more than they would if they had ready money?—There is no doubt whatever of that.

431. Sir *William Somerville.*] That is not the case in the county of Dublin, where there is a finance committee?—No; there are prompt payments there.

432. Do you think that that system works well?—Certainly; so far as regards providing prompt payments for contractors; but the fact is, it does not provide adequately for the payment of works given or taken in charge by the surveyor.

433. *Chairman.*] Will you explain that?—The funds pass through the surveyor's hands; he, himself, has to make the payments in advance, and that is not desirable.

434. But there is no want of funds?—There is no want of funds to the credit of the county, yet at the present moment I have to provide funds of my own for the purpose of making payments on the part of the county; no accounts are received by the finance committee but those of actual expenditure incurred.

435. Do you think it would be desirable that the County Boards, or the finance committee, or the treasurer, should be empowered to advance money to the county surveyor for the execution of works given in charge?—No, not to advance money to the county surveyor, but that provision should be made that when the county surveyor sends in certified accounts of the expenditure that has taken place there should be a means of having those accounts paid by officers altogether distinct and disconnected from him.

436. Is not that so in the county of Dublin now?—No, it is not; the payments have to be made by the surveyor, or a person that he himself appoints for the purpose.

437. And then, upon his having paid them off, he obtains repayment from the finance committee?—Last year, in connexion with the works given in charge to me, the finance committee met every fortnight; the amount of time which was occupied, and the amount of labour and trouble consequent upon the preparation and examination of the necessary accounts, and the attendance upon the finance committee to such an extent was so great, that in preference I, this year, provided funds to enable the works to be carried on for a month.

438. Mr. *Waldron.*] Do you see any objection to the grand jury presenting for estimated works, and handing that money over to the County Financial Board to give to the county surveyor according as the work is finished, and certified by him?—The county surveyor should not be in the receipt of the money for the county works in any form or shape; there should, however, undoubtedly be the means of paying the persons whatever amount is due to them as promptly as possible.

439. *Chairman.*] That would involve the making the presentments upon estimates, instead of upon execution?—That is done in every case. The amount in the county of Dublin which is placed upon the levy is the amount which passes the grand jury, no matter whether the work is given in charge to the county surveyor or is contracted for; in the one case the amount expended may be less than the amount presented, and in the other the amount at which the contract may be less than the sum presented, but these balances would be all returned to the credit of the baronies.

440. Mr. *Hassard.*] You propose that a contractor for a work shall be paid on your certificate; where a work is given in charge to you, may you not, if you please, contract for the execution of it?—Yes; but that is not desirable for many reasons, because when a contractor is not found in the first instance, you must relax the stringency of the specification, in order to get a new contractor, and besides, the county surveyor would be making a contract, as an individual, with the person contracting, at the same time being himself the judge as to its proper fulfilment or otherwise.

441. You mean that the party who is to be paid for the work shall be paid by the finance committee upon producing your certificate?—Yes.

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442. *Chairman.*] Will you go to the next point in which the county surveyors consider the law defective?—You will find it alluded to in the letter to Mr. Horsman, that if there should be no magistrate at the sessions the sessions could not be held, and in that case a barony might be without presentments altogether. In the county of Dublin, it once happened, there were no presentments in a particular barony for an entire year in consequence. It is desirable that there should be some arrangement to prevent that.

443. That might be met by giving the ratepayers who met, or the secretary, or some officer of the county, the power of adjourning the meeting to another day?—Yes; it might be met in that way.

444. Will you go to the next point, with respect to which you think the law as it affects county surveyors ought to be amended?—With reference to the service of application notices, the surveyors consider that there is a great deal of trouble and unnecessary expense now required, which is productive of no public good whatever. They consider that with reference to the maintenance of public lines of thoroughfare, a certain number of them at any rate, that there should be no question constantly arising as to whether or not they were necessary works, but that they should be, as it were, imperative presentments, except so far as the amount is concerned, which should be the only point necessary to be brought under the consideration of the sessions from time to time, and supposing that the contracts for works of that class were properly arranged in the first instance (and it would be very desirable that they should be so arranged), then upon the expiration of the contract, the secretary, or some officer, as a matter of course, should bring the new applications for those works forward at the sessions, and then the only question to be considered would be the question of amount. With reference to all applications, it is felt that there is needless trouble given on the subject of notices; which all recoils upon the county in the shape of needless expense, because virtually the great mass of the applications are made very frequently, not by the cess-payers interested in the work, but by persons who are hoping to become contractors for the work immediately; and all that attendance and expense will virtually in some shape come out of the county expenditure.

445. It is stated in the evidence given before the Commissioners in 1842, that the time for examining works afforded by the existing law to the county surveyors is insufficient; has that subject come under the consideration of the county surveyors?—Yes, and they think it is insufficient.

446. Is that their opinion now?—It is.

447. Can you state whether there is any defect found in the law with reference to the power of bringing actions against county surveyors for matters done in the discharge of their duty?—Yes; there is a very general feeling that it would be desirable that there should be a power by which the county, on their behalf, for acts done in the discharge of their duty, should be enabled to take proceedings in their defence.

448. Is there any power under the present grand jury system of making presentments for defending surveyors in resisting actions brought against them in the discharge of their duty?—I am not aware of any.

449. Or of remunerating them in the event of a verdict against them for matters done in the proper discharge of their duty?—I believe not.

Martis, 28° die Julii, 1857.

MEMBERS PRESENT.

Mr. Cooper.
Mr. Seymour Fitzgerald.
Mr. G. A. Hamilton.
Mr. Hassard.
Mr. Herbert.
Mr. Lygon.
Mr. Macarthy.
Mr. Macartney.
Mr. Magan.
Sir William Somerville.
Mr. Waldron.

GEORGE ALEXANDER HAMILTON, Esq., IN THE CHAIR.

The Rev. *Joseph Allen Galbraith*, called in; and Examined.

Rev. *J. A. Galbraith.*

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450. YOU are a Fellow of Trinity College, Dublin?—Yes.

451. You are also the Professor of Natural Philosophy in the University?—The title of my office is, Erasmus Smith's Professor of Natural and Experimental Philosophy.

452. And you are Registrar of the School of Engineering, I believe?—Yes.

453. Will you inform the Committee what the School of Engineering, of which you are the registrar, is, and when was it established?—The school was established in 1841, by the authorities of the University of Dublin, and it is of a scientific and practical character.

454. What was the object of the Board of Trinity College, in establishing it?—The object of the Board was to introduce a scientific element into the education of civil engineers, and the introduction of railroads into the country, of course was another reason for the desire of the University to furnish scientific engineers for the country.

455. The object was to raise the education of civil engineers?—To raise the condition and status of the profession; in fact, to import a scientific element, and to connect practical with scientific education.

456. Do the professors of the school of engineering combine the two elements of practical and scientific knowledge?—Yes.

457. Will you state who they are?—The present professor is Mr. Downing, who was himself engaged in many public works before he became in the first instance professor. Originally, Sir John M'Neill was our professor, and he remained so for some years after the establishment of the school.

458. Therefore the professors who instruct, contain amongst them men who are known to be of practical experience in engineering matters?—I will mention the titles and subjects of the professorships. Sir John M'Neill was originally our professor of civil engineering, assisted by Mr. Downing; Professor Apjohn, of applied chemistry and mineralogy; Professor Haughton, of geology; Professor Dixon, my predecessor, of physics; Dr. Hart, professor of natural and experimental philosophy, and Mr. Salmon, lecturer in mathematics; that is at present the staff of lecturers and professors, with the exception of Sir John M'Neill and Mr. Dixon, my predecessor.

459. Will you inform the Committee as to the course of instruction pursued in that school?—The course of instruction, as it is at present carried on, consists of three years. The members of the school must be students of Trinity College, of the University of Dublin; and they generally take their degree in arts as well as the diploma of the school; the three years' instruction is of a special character; and I can shortly read from a document which I hold in my hand what it is. The first, or junior class, are instructed in mathematics, theoretical mechanics, chemistry, and mineralogy, applied to the arts of construction. In the second year, or the middle class, their courses are practical mechanics, the principles of physics, drawing, surveying, and levelling. In the third, or senior year, the courses are geology, including

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ding mining, practical engineering, drawing, surveying, and levelling, and field-work in general. And I may mention, that in addition to the instruction which the young men get by lectures, they are brought into the field by the professor during the second and third year in order to acquire a practical acquaintance with the method of surveying and levelling. And if the Committee will allow me, I will read another paragraph from this paper, which probably very fully sets forth the nature of the instruction. "The object of the instruction in levelling and surveying during the middle and senior years is to make the students able to perform, with due accuracy and rapidity, every duty in these branches which an assistant engineer may be required to perform. The class is divided into parties of six or seven, in order to insure a greater degree of individual instruction: and each party having, under the direction of the professor of engineering, completed and checked a section in the field, and plotted the work, is required to go out and do the same without assistance, and in like manner with surveying. In the senior year the class is instructed in the field-work necessary before commencing any public works, by setting out on the ground, the curves, half-widths, &c., and making the contract maps and sections of a project of a road or railway, with designs and estimates. In the spring of 1854 the senior class made the necessary maps and sections, with designs and estimates, for a line of railway more than two miles in length, to join the Great Southern and Western, and Midland Great Western Railways." It is the custom each year to compel the members of the senior class to make such a project, such for instance as is mentioned here, or to connect two canals in the neighbourhood of Dublin by another, and to make the necessary estimates and plans.

460. Then in that respect you consider the course to be eminently practical, calculated to convey practical as well as scientific instruction?—That is the object of the professors.

461. The course having been gone through a diploma is granted, I understand?—Yes.

462. How many diplomas have been granted since the institution of this school?—Up to last term we had granted 101 diplomas.

463. Has it been found that the parties who have received diplomas have immediately obtained employment?—Yes; an accurate list has been kept, as far as we could, of the progress of those young men afterwards, and we find that with very few exceptions, the young men who obtained diplomas in our school have obtained employment either in this country or the colonies; a great number have lately gone to India, and several have been employed in Canada.

464. Is it your opinion, and the result of your experience in the school, that young men who obtain their diplomas are competent to undertake immediately engineering works, such as the supervision of roads, and those works which come under the designation of county works in Ireland?—I should say so, from the experience that we have had of the school already, as those young men never fail, with very few exceptions, in obtaining employment. I have known many instances of them entering upon employment immediately after leaving the school, and I have ascertained afterwards that they performed their duty in the most satisfactory manner.

465. Have many been instructed in the school, independently of those who proceeded through the course and obtained diplomas?—Yes, a greater number enter the school than ultimately take diplomas; the course consists of three years; and many either take a dislike to the profession, or find themselves unfit for it, or the professors and lecturers find them unfit and stop them. We do not allow them to pass from one year into another unless under an examination, and that reduces the number.

466. Is the cost of instruction in the school of engineering considerable?—No; the cost for special instruction is only 10 *l.* a year; it is understood that every member of the school should be a student of the University; of course he pays his class fees, amounting to 15 *l.*, but, in addition, he only pays 10 *l.* a year for instruction.

467. Is it absolutely necessary that students in the school of engineering should be students in the university?—Yes, it is necessary.

468. Does it occur to you that there would be any objection to opening the privilege, so as to admit parties who might not be students of the university?—If I were to express my own opinion upon the subject, I would probably answer that

that there would not be an objection to it, but I think that the authorities of the University of Dublin, in their present state of feeling, would object to it, for they have always laid it down as a principle, and, as they think, a valuable principle, that the members of the school who ultimately get diplomas should have received, if possible, an education in arts.

469. Are there any other schools of engineering in Ireland of a somewhat similar nature?—There are schools of engineering similar in character to ours, attached to each of the Queen's colleges in Belfast, Galway and Cork.

470. Are those schools of engineering well attended?—They have issued one diploma; they do not seem to have been successful in that way; but I believe a good many men have joined the schools.

471. Is the course of instruction in those schools at all similar to that in the school of engineering connected with Trinity College, Dublin?—Very similar; in Cork, the professor, and the gentleman who preceded him as professor, were both men who had received their education in our school.

472. So that there are in Ireland at present peculiar opportunities for young men to be instructed in practical, as well as scientific engineering?—There are.

473. Mr. *Cooper.*] I believe there were a good many questions put by the Dublin University Commission to you, and answered by you?—No; by my predecessor, Mr. Dixon.

474. Do you think that those questions and answers would be likely to be of use to this Committee?—I think so, and I accordingly have brought a copy of them, which I can place in your hands (*producing the same*); here is another printed document which, in a shorter form, conveys the course of our school.

475. Mr. *Macarthy.*] Do the students in the junior year attend those lectures?—They may; it is open to any student of Trinity College, who has passed his first year, to join the school. The greater number of students are men who are in that position, but we allow the senior students, of course, to join, and occasionally some do.

476. Can a student join immediately upon matriculating?—Yes. The usual course is to enter the college in October of the year, and to join our class in the Michaelmas term, which commences operations in November.

477. Mr. *Macartney.*] Several young men, I believe, have become students of the university, their first object being to become civil engineers?—Yes.

478. But they could not obtain that instruction unless they were members of the university?—No.

479. Can you name any gentlemen, of your own knowledge, who have been students since Sir John M'Neill was there, who have attained a high position, either at home or abroad, as mining engineers?—Yes.

480. I mean, attaining a high position both as to the work under their charge, and the emolument that they receive for their labours?—One of the most important engineering works in Ireland, namely, the viaduct over the Boyne, was constructed by Mr. Barton, who received his education at our school, and the greater number of his assistants also received their education at our school. I may also mention, that within the last two or three years, another member of our school, a Mr. Jacob, obtained employment on the Baroda Railway; he had obtained a special certificate for mineralogy and geology, and he was immediately removed in India to a Government employment up the country, of a very high character, in consequence of the knowledge which he had obtained in this way. The Company wished to have a man of that kind who was a good judge of ores of iron, and the manner of reducing the metal. Several other cases might be mentioned.

481. Who is the professor of mineralogy and geology at present?—The professor of mineralogy is Professor Apjohn, and the professor of geology is Professor Haughton.

482. Both of those men commenced their education in the University of Dublin?—Yes.

483. Mr. *Macarthy.*] Professor Apjohn is professor of chemistry also, is he not?—Yes; chemistry and mineralogy.

484. Mr. *Hassard.*] Would you propose that your diploma should entitle a young man to be appointed as surveyor, without undergoing any further examination?—No; what I would wish is simply that we should have liberty to compete upon equal terms with any other men.

485. Would you propose that your diploma should stand in the same light as

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the certificate of the Board appointed under the Act of Parliament, under the authority of the Lord Lieutenant, to examine for county surveyorships?—Certainly not. All that I would ask for is liberty to compete. I do not want to attach any privilege to our diploma.

486. I understood from you that the value of the diploma was so great, that it procured employment for young men going abroad; and I thought that you might wish it, to give sufficient status for a person to be appointed under it immediately, without further examination?—No; I am an advocate of the competitive system, and all that I want is a fair field and no favour.

487. Would your object be that a person obtaining a diploma from you should be entitled, as a gift, to go in for an examination before the Government Board, without nomination?—As I understand it, according to the Act of Parliament, under which this examination is held, all persons have a right. I believe that, practically speaking, during the last 24 years in Ireland, the public really did not enjoy that right, for no publicity was given to those examinations, and I would not wish any peculiar privileges to be attached to our diploma. I wish to prove that we furnish sufficient education to enable a man to compete at the examination.

488. I thought you wished to substitute the diploma for the certificate of the Board?—By no means. I think that would be directly at variance with the competitive principle; to attach any peculiar weight or privilege to any diploma or certificate issued by any body would be subversive of that principle.

489. You spoke of the Queen's Colleges issuing diplomas; is it not the university that issues them?—It is the university, but they each have schools of engineering.

490. Do you think that the young men educated in your school would be found to take the situation of assistants, and that the remuneration of 100*l.* a year would be sufficient to induce them to take those situations?—Yes; provided there was also a chance of advancement. I do not think that young men educated in our school would accept of situations limited to 100*l.* a year, and with no chance of advancement.

491. Do you think that they would be willing to enter at that sum?—I have no doubt that they would, from my experience of them; that with a view of getting immediate employment and having a fair chance of future promotion they would enter upon it.

492. You are aware that there is a certain special kind of information required for county surveyors, an acquaintance with roads and small bridges, and the small county works, and if facilities were required for that, do you think that they could be obtained in the neighbourhood of Dublin?—Yes, I do; it is always the practice of our professor of engineering to take his pupils into the country in the neighbourhood of Dublin during the middle and senior years, and to point their attention to works of this kind.

493. I do not speak of what is ordinarily called field-work, such as surveying, but of the practical work connected with bridge building?—Bridge building and embanking form a particular part of the course, which is expressed in this printed paper in better terms than I can use.

494. You think that those facilities could be given, so that a young man would have sufficient information to enter immediately upon his duties if appointed?—Yes, I think so, and I know that they are able to enter upon duties of that kind. At the Hilary Term of the second year, the course is surveying for acreage and boundaries, measuring of masonry and earth-work.

495. Has Mr. Griffith the engineer expressed an opinion with regard to the school of engineering?—No.

496. Mr. Griffith is not well at present, is he?—He is not able to leave Dublin.

497. *Chairman.*] Do you find generally, that young men who enter the University of Dublin and indicate a desire to attend your school of engineering, have been tolerably well educated previously in that branch?—Not in anything special; they are young men of good education, fit to enter a university, but of course they have never received any special instruction before.

498. I observe in the printed paper which you have put in, several other matters which may be considered peculiarly practical; for instance, practical hydraulics forms a part of your course?—Yes, certainly.

499. Are the Committee to understand that the instruction in that is essentially practical;

practical; it is not theoretical hydraulics but practical hydraulics?—With regard to the construction of works, the instruction upon that subject is furnished by the professor of civil engineering, but the theoretical part is treated by the professor of natural philosophy, Dr. Hart.

500. Does the professor of civil engineering give the students instruction in the practical portion of hydraulics?—Yes; and with that view he has recently written a work for their instruction, which has received a very considerable amount of public attention.

501. Are there large works from which a knowledge of hydraulics may be acquired in the neighbourhood of Dublin?—There are.

502. I see also that there is a workshop and model-room, and lathes, and a forge, and tools?—Yes; that is for the purpose of giving those students having a peculiar taste or facility for mechanical work an opportunity in the intervals of their instruction for improving themselves. "A workshop and model-room is attached to this school, provided with lathes (having slide, rest and traversing head), drills, and a forge and tools. The workshop is open to the use of such students of the senior class as may feel it advantageous to acquire a knowledge of the elementary operation of mechanical engineering." And the school is also provided with most expensive models, for the purpose of illustrating every possible point connected with the profession.

503. There is another very important branch of practical knowledge in engineering, and that is, a knowledge of the durability, and the best description of materials for making and repairing roads; is attention called to that branch?—Yes, attention is called in more than one way to it. Our professor of chemistry and mineralogy of course draws attention to that subject, and our professor of geology also; and specimens are exhibited to the students by both those gentlemen. The professor of civil engineering also takes charge of that department to a certain extent too, and exhibits specimens of building stones, with observations upon them.

504. Mr. *Waldron.*] You mentioned that in the last year of the course the pupils are exercised in making short canals and railways; who tests the accuracy of them?—The professor; I said in making projects of them, not actually constructing the works. At the Great Southern Railway and the Midland Railway they take two points and make a project of a connecting line, including the plans, specifications, and sections.

505. Is there any practical engineer to test their accuracy?—The professor is himself a practical engineer, and has himself been engaged extensively in works of the kind.

506. And he tests them carefully?—Carefully. In his answer to the University Commission upon that subject, he says, "The practice of surveying is continued through this year, with special reference to surveying for contract plans, settling out lines of roads and railways, &c.; for this purpose a project of some public work to be constructed in a determined district in the neighbourhood of Dublin is undertaken; the centre line is actually ranged and staked out on the curves and straight portions; transverse sections of the ground are taken; and maps and sections are made of the roads crossed. In the school the gradients are struck on the longitudinal section, and the half widths of ground and fencing determined and plotted on the map, the earthwork calculated, and designs and estimates of the works of arts prepared. As a rule, no more than two students are allowed to have the same gradients; two to enable them to check one another, and no more than two to obviate mere copying by the idle. It may be remarked that, in consequence of the importance of the subject, and the limited time at the disposal of the students during term, the professor devotes to field-work a considerable portion of the intervals between the academic terms."

507. That says nothing as to testing afterwards the accuracy of the calculations of the students?—This does not; but I know as a fact, that all those things are carefully tested by Professor Downing, and the results of their work are kept in the school amongst the documents.

508. Mr. *Hassard.*] Is the attention of the pupils ever drawn to the special duties of road surveyors, I mean the duties imposed upon them by the Act of Parliament under which they are appointed?—No, it is not.

509. But there would be no difficulty in adding it, if necessary?—None; if the prospect was held out to the pupils of our school of entering that department of

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the public service, I have no doubt that suitable arrangements would be made for the work that they would have to do.

510. Mr. *Henry Herbert.*] You have stated the advantages offered in Trinity College for the education of a young man wishing to embrace this career; will you state the exact amount of knowledge necessary before he can commence this course?—He is examined in mathematics and mechanics before he is allowed to join the school.

511. Is that the Michaelmas examination alluded to here?—The Michaelmas examination of the junior freshmen course in arts.

512. Can you give the Committee the exact qualifications necessary for a young man before he can commence this course?—The qualifications are these; that he should have passed the junior freshman year in Trinity College.

513. What is the state of education, in point of fact?—It implies a certain amount of knowledge of the Latin and Greek languages, and of elementary mathematics; but, in addition to that, there is a special examination held of the candidate before he is admitted into the school, and that is in elementary mathematics and mechanics and hydrostatics.

514. You have stated that a certain amount of Latin and Greek is necessary; take Greek first; do you think that there are a great number of very clever young men who, not being in very rich circumstances, might devote their previous education better than in the acquirement of a certain knowledge of Greek before they could take advantage of this course?—I agree with you in opinion, but I only express my own opinion upon the matter.

515. As regards the advantages presented to the middle classes of Ireland by this, if I judge by your answer, rather a hardship may be inflicted on a young man of ability who has not been able to attain a certain amount of classical knowledge?—I do not think, as matters stand in Ireland, that it is a peculiar hardship, because the young persons of the middle classes generally go to schools where the Greek and Latin languages are taught; and if you descend below that class you must go very low indeed; at least that is my view of the state of affairs in Ireland. The sons of respectable people in Ireland, whether the sons of clergymen or men in business, or even shopkeepers in a town, are sent to schools where they learn the Latin and Greek languages.

516. Does it not very often happen that a boy having a great taste for mathematics has a repugnance to the acquirement of foreign languages; and might you not shut out persons who would become probably very eminent engineers by insisting upon their acquirement of those languages?—There may be an aversion in the mind of some to cultivate to any great extent those languages, but I do not think that boys of the description you speak of object to learn something of the Greek and Latin languages; I dare say they might feel an aversion to make it the business of their lives, or to cultivate it to any great extent; but I have never found that they object to cultivate that amount which is considered necessary to enter the university.

517. Does not it very frequently happen that the sons of very humble parents have a particular avocation for mathematics, who might become very eminent men, and who might not have the advantages that you have described?—I of course admit that it is quite possible.

518. Would you be against giving that class of persons those advantages without forcing them to go through the junior freshman's class examination?—No, I would not; but then according to the principle which I contend for with regard to the County Surveyors' examination, I would open it to every person, and not confine it to those who received their education in any particular school. The principle I contend for is, that the examination should be open to every person, without any qualification or condition.

519. I am alluding to the course of practical education which you have now described, and I want to know whether, in your opinion, it would be desirable to open those advantages without insisting on such an amount of classical education as is necessary to enable a young man to go through the first year of his college course?—If I were to give my own opinion I would say that I would open it to him; I have no hesitation in expressing my own opinion upon the subject, but I cannot say that that is the opinion of the authorities of the university. I would open those advantages to men who had not a classical education.

520. Is it not notorious that some of the most eminent engineers have not had the benefit of a classical education?—Yes.

521. Supposing

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521. Supposing a young man to commence this course of education, is it necessary for him to continue the general academical course?—As a matter of fact, they generally do, but it is not necessary; he may pursue his studies in the school without taking up the course in arts; but as a matter of fact, with few exceptions, they do take up the course in arts.

522. But it is not compulsory?—It is not compulsory.

523. Mr. *Macarthy.*] They cannot become members of the university without a certain amount of classical knowledge, and no one but a member of the university can attend those lectures?—That is exactly the state of affairs; you must be a member of the university, and you cannot enter the university without knowing something of the Greek and Latin languages; not a very great amount; a man need not be a high classical scholar.

524. *Chairman.*] Was not an alteration made in the rule last year with regard to the rule that a student should be a rising senior freshman; is it not the case that at the present time it is only necessary for a student to pass Mr. Salmon's examination?—It is necessary he should enter the college; that is the rule still.

525. But not that he need be a senior freshman?—By the recent rule he may join the school at once.

526. Do you know anything of the course of instruction in the model national schools?—I know something of them; I have visited some of them.

527. Can you state whether or not practical engineering, or the duties connected with the business of county surveyors or assistant surveyors, form any part of their course?—Certainly not, except so far as teaching the lads the rules of mensuration and arithmetic, but nothing further; there is nothing special.

528. You have had some communication with Mr. Griffith, the Chairman of the Board of Works, with reference to his opinions with respect to the formation of a board for the examination of county and assistant surveyors?—Yes.

529. You have stated that he is ill, and cannot attend here?—Yes.

530. Has he placed in your hands any paper containing his opinions as to what should be done upon the subject before the Committee?—Yes, he sent me this paper, which is a statement of his opinions as to what should be done in this case with regard to the Board of Examiners. He says: "Sketch plan of examination for County surveyors:—It is desirable that a paid board of examiners should be appointed to examine candidates wishing to be employed as baronial and county surveyors in Ireland, the board to consist of three members, one of whom should be a civil engineer in general practice; one might be selected from amongst the county surveyors, and one a scientific man, who though not a practical civil engineer, should be generally acquainted with the subject, and especially with its higher and more scientific branches, particularly mathematics, mechanics, hydraulics, hydrostatics, pneumatics, as well as some acquaintance with the principles of applied chemistry, mineralogy and geology, and, perhaps, two members of the Board of Public Works should be *ex officio* members of the examining board, though not directly interfering with examinations. There should be two classes of examinations; one to decide on the qualifications of the candidates for the baronial surveyorships, and one for county surveyorships; examinations for both services should be held once in every three years, and oftener, if required, by the Lord Lieutenant or other chief governor of Ireland. That parties who had been examined, and after examination had been appointed and employed for three years as baronial surveyors, might offer themselves as candidates for county surveyorships. That certificates of qualification for either the office of baronial or county surveyor should be available for three years, or till the next general examination, but that parties who had obtained certificates of qualification at one examination, but who had received no appointment before the next ensuing, should at the time of the next examination present themselves at such examination, every successive examination cancelling all previous certificates, except those of persons who had received their appointments. That in making up the list of persons who may obtain certificates of qualification at each examination, the names should be placed in the order of merit, regard being had to the theoretical and practical knowledge, as well as professional experience and general suitability for undertaking work requiring much physical strength, steadiness of character and deportment, and general morality. The ages of county surveyors to be between 24 and 36, and those of baronial surveyors to be between 21 and 34. It will be expedient that when parties had been formerly employed for several years in the public service, the limit might perhaps be extended to 40 years; the salaries

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of baronial surveyors should be in proportion to the extent and importance of the districts allotted to each, which may vary from 80 *l.* to 120 *l.*, and those of county surveyors from 300 *l.* to 450 *l.* and 600 *l.* per annum; the former may have an allowance of 40 *l.* per annum to 60 *l.* per annum to cover horse-hire and travelling expenses, and the latter an allowance varying from 80 *l.* to 100 *l.* per annum, to cover all similar expenses. It would appear to be desirable that in all cases of objection or complaint on the part of the grand jury of any county, on the ground of the professional inefficiency of any county surveyor, that reference should be made in the first instance to the Board of Public Works, who, aided by one member at least of the Board of paid examiners, should examine into and report on such statements as might refer to professional matters; but when the complaints preferred related to pecuniary or moral matters, then the grand jury complaining might appoint a special committee to examine into all allegations which may be made, and act on their own responsibility, as may appear to them suited to the case."

531. That is signed by Mr. Griffith?—Yes.

532. Did Mr. Griffith, finding himself unable to attend, deliver it to you in order that it might be submitted as his deliberate opinion upon the subject to this Committee?—Yes, he expressed his regret in Dublin that he was unable to attend, and this was sent after me to London.

533. How far do you agree with, and how far do you differ from, Mr. Griffith in those suggestions; first with regard to the constitution of the board?—I can have no objection to the constitution of the board as laid down by him; I think that is one which is well suited for obtaining the best men.

534. The members should be, one a civil engineer, one a county surveyor, and one a scientific person?—Yes; one a county surveyor, in consequence of the importance of the county work in this examination; he should of course see to the particular qualifications as to county works on the part of the candidates.

535. Do you concur with him in the suggestion which he makes with reference to the expediency of having members of the Board of Works connected with that board as honorary members?—No, I do not; I cannot see the use of it; and I would not wish to augment the board of examiners by persons not having the same responsibility as the real examiners; I do not think that it would work well; I thing that all those engaged as examiners should have the same amount of responsibility.

536. Do you concur with him as to the expediency of having two classes of examinations, one for the county surveyors and one for the assistant surveyors?—I think so; according to my idea, a man might be admitted into this department of the public service, and, having served in it, he might be advanced from the lower to the higher grade by examination. I think that additional subjects might be required from him with advantage; I might suggest the subject of architecture; as I understand it is necessary for a county surveyor, it might be reserved for the second examination.

537. With regard to the board of examiners being continued for three years, what is your opinion upon that point?—I think that a better system would be, to hold an examination every year, for any vacancies that might occur; I do not see any difficulty that could occur in doing that, and the objection that might be with justice raised to the three years' system is, that it requires a list. Now, if a man passes a difficult examination, and if all the privilege he gets from it is, to be put upon a list and swept off at the end of three years, it will greatly lessen his desire to stand that examination; and I think that we should not throw any difficulties in the way of candidates, but that we should rather encourage good men to come forward.

538. Do you prefer the system that is adopted at the Woolwich examination; that it should be for a number of vacancies, and not for a list?—Yes; and fill up those vacancies by a competitive examination held once a year.

539. With regard to the duration of the board of examiners, Mr. Griffith suggests that the board of examiners should be changed every three years?—He does not appear to make any provision for a change in the board of examiners.

540. Do you consider that it is desirable that the board of examiners should be permanent?—No, I do not think that the board of examiners in any case, ought to be permanent; it is productive of a great many advantages to change them occasionally, not too often; I think you might remove one man every year, with advantage, and leave every man on for two years; by doing so you impress a certain

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a certain character upon the examination, and leave behind every year a number of men who have had previous experience; it would not be desirable, I think, to put in three new men every year; and that is the practice, I believe, with regard to the Woolwich examination.

541. Having already expressed an opinion strongly in favour of the principle of competitive examination, I presume it is your opinion that, supposing a certain number of vacancies to exist, the candidates, after examination, should be placed in the order of merit, with a view to the filling up of those vacancies?—I think so; that the result of the examination should be the election of candidates in the order of merit.

542. And that those examinations should be open to the whole world?—I believe at present it is open under the authority of an Act of Parliament, but practically it has not been so. The knowledge of the time and place of this examination has never, so far as I know, been made public.

543. Do you recommend the plan which is adopted at Woolwich, of having a number to represent each candidate, and the opinion of the examiners recorded in the shape of numbers also; and the examination papers, with the numbers obtained by each candidate published subsequently, with a view of enabling the candidates and the public to judge of the judgment and discretion of the examiners in the course of the examination?—I have no doubt upon that subject; it is to give information to the candidates, not to the public. I do not think it would be desirable to draw up a list which would give the public a knowledge of all the circumstances connected with the failure of any man. The Woolwich plan communicates the information in question to the candidate by means of his index number. From long experience as a college tutor, and from my connexion with this Woolwich examination, I can say that nothing gives greater satisfaction to the candidates. It prevents all grumbling and discontent after the examination is over; and in proportion as the information is withheld, there is always dissatisfaction and discontent; but I have never known in the case of the Woolwich examination any discontent whatsoever. If a man there is numbered 25, when he buys the Report, which is published, he sees what took place, and how he failed.

544. You have had a considerable number of students under your instruction, who have become competitors at the Woolwich examination?—Yes.

545. And you speak from the opportunities that you have had of communicating with them, when you state that it has given satisfaction?—Yes; it has given the utmost satisfaction.

546. To both those who fail, and to those who succeed?—Yes, to all parties.

547. With regard to the ages, Mr. Griffith suggests that candidates for the office of assistant surveyor should be from 21 to 34; do you approve of that?—Mr. Griffith himself is a better judge than I could be of that; but I think that the principle is good, that in admitting men to the public service, they should not be too old, lest they become past their work too soon, or too young, for obvious reasons. The limits of age, I think, are judicious, from 21 to 34 for baronial surveyors, and from 24 to 36 for county surveyors. He proposes to extend the latter case to 40 years, in the case of men who have been previously in the public service.

548. In the Woolwich examination a candidate, when appointed, holds his commission for one year provisionally, does he not?—During the war there were two kinds of appointments; at present there is only one kind of appointment. During the war they appointed men to provisional commissions; a man came to London and passed this examination, and was appointed to a provisional commission, which meant this, that he was placed under special instruction at Woolwich, and his commission was not absolutely given to him until after the expiration of a year, and to the report of his commanding officer.

549. Would it be a good plan, in your opinion, that the assistant surveyors, having earned their office, should hold it, provisionally, for a year, subject to the approval of the county surveyor at the expiration of the year, or to the approval of the grand jury, or some body who should have an opportunity of judging of their qualifications?—Yes, I think so; the plan might be adopted with great advantage; for I do not mean to say that the man who passes the best examination will necessarily make the best officer; after having passed that examination experience may prove that he is, in some instances physically, and in others morally, deficient, and I should think that 12 months' experience, under the

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direction of another person, affords ample opportunity for obtaining that information, and, if so, I think there should be an opportunity of getting rid of such a man.

550. If there were some such system of examination open to all, for assistant engineers, and another examination open to all, including the assistant engineers for county engineers, the salary of the assistant engineer being from 80*l.* to 100*l.* a year; can you state from your own knowledge and experience whether it is likely that a class of educated young men would be found competitors, and would be qualified to undertake the duties of assistant surveyors in Ireland?—I think so; I think, from the experience that I have had for some years back of the young men who have obtained diplomas, that that would be the case; and I have no doubt that if this department of the public service were practically thrown open to them, it would be still more so, because as a result of it there would be a greater number of young men receiving education and taking diplomas; I may mention, as an illustration of this, that in the year 1847 and 1848, during the additional works which were thrown upon the hands of the Board of Works, in consequence of the relief works, there was a great increase in the number at the school, greater than had ever taken place before, or than has occurred since; and it is one instance out of many others that could be quoted of the same kind, that where you open a field for young men to enter upon employment, you always have a supply; I am certain that there will be an abundant supply with such means of instruction as we have in Trinity College.

551. Those young men whose means might not enable them to obtain a classical education would find a means of preliminary instruction requisite to enable them to pass this examination in some other schools in Ireland; and those who had the advantage of a classical education would find the means in your school of engineering?—Yes; for instance, in the Queen's Colleges, I believe men are allowed to enter their engineering schools without any knowledge of classics. To enter our school we do require a knowledge of classics; but I have no hesitation in expressing my own opinion, that our rule might be relaxed with advantage in the University of Dublin.

552. Do you consider that there would be an important public advantage in having the body of assistant engineers or surveyors composed of educated men, rather than, comparatively speaking, uneducated men, in reference to their trustworthiness and the proper discharge of their duties?—I can have no doubt about that. I believe that the duties of assistant surveyors at present in Ireland frequently bring them into contact with contractors; and I think that the safety of the county fund depends in a great measure upon the manner in which those men behave; and if you have a low class of men upon small salaries, the inevitable inference is, that they will be subject to corrupt influences; whereas on the other hand, if you have a class of young men of a superior condition, entering on life with the hope of advancing, and if you furnish them with a salary that will enable them to get on tolerably for some time, they will be above those influences, and their decisions will be treated with much greater respect than those of the assistant surveyors of the present description.

553. In what way do you propose that the hope of advancement should be held out to assistant engineers, according to the plan that you suggest?—The getting a higher grade of situation in this department immediately suggests itself. The position of a county surveyor would be naturally looked after.

554. You propose that the county surveyorships should be open to public competition?—Certainly.

555. Is it your opinion that, from the position in which those young men would be placed as assistant surveyors, the prospect of being able to compete successfully for the county surveyorships would be a stimulus that would influence them?—Yes; and although I would not propose to exclude any one from the second examination, yet I have no doubt that a great number of them would be men who had already passed the first, and had attained the situation of assistant surveyors.

556. Mr. *Hassard.*] You are aware that the appointment of county surveyors at present rests with the Lord Lieutenant?—Yes.

557. You propose that it should remain there still?—I do not see any objection to that; in the case of the county of Dublin, it is the grand jury that appoints them.

558. But the appointment of ordinary county surveyors lies with the Lord Lieutenant;

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Lieutenant; would you propose that the appointment of the assistants should be with him also?—I think so, subject of course to the final report of the county surveyor; I would propose that those men should be examined in the same way as the county surveyors themselves, and that they should be elected in the order of merit. The plan that I contemplate is a case where there would be, in fact, no difficulty felt about the appointment at all; the best men should get the places.

559. You are aware that the county surveyors are the responsible parties to the grand jury now?—Yes.

560. And it has been stated that the person who is responsible should have the appointment of the sub-officers; how would you meet that difficulty?—I would meet it by the proposal that I have already made, that they should serve for a year provisionally, in the same way as certain officers in the artillery service. A superior officer in the artillery is, to a certain extent, responsible for what is done under him, but he certainly does not appoint his inferior officers. He can, of course, complain of their conduct if it be unsatisfactory, and obtain their removal if it be judged to be very bad; but in the case that we speak of, the way the thing is met is to put a man for a year's service provisionally; and I may mention that, although there have been upwards of 100 gentlemen appointed in this way, in the Ordnance Department, there have been only two instances of men removed at the end of the year's probation.

561. You would have, then, those who failed, say this year, in the examination, represent themselves next year?—Yes, if they thought fit.

562. You would have also assistants, who sought to become surveyors, to compete with new men or any others that might come?—Yes, exactly; I would have the second examination open.

563. Would you make it a necessary qualification for a county surveyor, that the candidate should have passed through the office of assistant surveyor?—I think not, because it might have the effect of excluding a very eligible man. You might require that he should give proof of his having been engaged in that kind of work; such as would satisfy the Board of Examiners that he was a proper man to put in charge of a county; if he had been an assistant before, that would be a sufficient proof. Suppose a man in England chose to settle in Ireland, and had a great deal of practical experience, and was a good engineer, but had never been an assistant engineer under this system, I think it would be injurious to the public service to shut him out.

564. A man serving as an assistant surveyor would naturally not have the same opportunity of acquiring a high scientific knowledge, as a man who came up quite fresh, and whose whole time had been devoted to making himself up for the examination; would you put them on equal terms to compete for the surveyorship?—No; I think that the examination should be conducted in such a way as to give the man having a practical experience the advantage; but I would not adopt a rule that should shut out any one.

565. The requiring a certain amount of classical knowledge in order to enter your school of engineering, does not work as a very great hardship, I understand you to say, for the knowledge required for entrance is small, and the student is not bound to pursue it?—When it is said to be necessary, it is only indirectly necessary, by virtue of a certain rule that I think might be given up; but in reality it is no practical inconvenience. They can give up their classical studies if they choose after they join the school. But I think it is worth mentioning, that although it is optional, by far the greater number of those young men do pursue their course, so that they are not only furnished with the diploma of the school, but with the Degree of Bachelor of Arts.

566. I think you said that you would recommend that the Board of Examiners should be partially changed each year; might you not have a large number of examiners, and let them take it in rotation?—I think that would operate much in the same way; that is much the same as the university system.

567. Does Mr. Griffith propose any curriculum for the examination?—No; he only speaks of the character of it generally, and he indicates in the same way the character of the examination by the members of the Board which he proposes. His proposal is, that it should "consist of three members, one of whom should be a civil engineer in general practice; one might be selected from amongst the county surveyors; and one a scientific man, who, though not a practical civil engineer, should be generally acquainted with the subject, and especially with its

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higher and more scientific branches, particularly mathematics, mechanics, hydraulics, hydrostatics, pneumatics, as well as some acquaintance with the principles of applied chemistry, mineralogy and geology."

568. You, in your school, have a curriculum?—Yes.

569. Do you think it advisable to carry that into the other examination?—No, I would not in any way fetter the examiners that should be appointed; I would leave it to their discretion. I have no doubt that they would frame an examination calculated to meet the case; but I think it is desirable to have what Mr. Griffith suggests, namely, a certain amount of knowledge of mathematics, not profound, and of those other branches that he mentions. For instance, hydraulics is a subject which is both practical and scientific; and I take for granted that a man who did not understand the scientific branch of that subject, could not construct hydraulic works as well as another who was acquainted with the scientific as well as the practical part of his business. This subject requires a knowledge of mathematical formulæ, and a person destitute of mathematical knowledge is placed at a great disadvantage.

570. Would you lay down text-books?—In a general examination of this kind, I do not think you could do that with advantage. The Woolwich examiners do not lay down any text-books, but they mention subjects; and they have already impressed a certain character on their examinations, so that the public know tolerably well what the line of examination will be. Then if I might cite the instance of the Ecôle Polytechnique in France, which might be a very good copy to follow in many respects, they do not mention text-books, but they very accurately describe subjects.

571. It really comes to nearly the same thing?—Yes.

572. Probably, if this Board were constituted as proposed, the same result would follow?—I have no doubt that they would do something of the kind.

573. Mr. *Macartney.*] In that memorandum of the opinion of Mr. Griffith, the chairman of the Board of Works, I think that he suggests that the Board of Examiners should be paid?—Yes, he does.

574. Will you just read what he states upon that subject?—"It is desirable that a paid Board of Examiners should be appointed to examine candidates wishing to be employed as baronial and county surveyors in Ireland."

575. I find that in the year 1854 the number of district surveyors was 104, and that the number of county surveyors was 38; are you not of opinion that in the University of Dublin and the Queen's University there are men of professional position and character holding office who would be willing once or twice a year to give their services upon an examination of that kind without being paid specially for it?—I have no doubt that if they were appealed to, they would be willing to do it, but I do not think a work of this kind would be well done unless remuneration were given.

576. Would you have periodical quarterly examinations by this Board of every person tendering himself for examination?—I should say that once a year would be amply sufficient; Mr. Griffith proposes once every three years, but I think that that is open to objection.

577. It has been practically only once in five years hitherto?—This Act of Parliament, I believe, is 24 years old, and I think that there have been only four examinations in that time, held at very long intervals.

578. Do you think that once a year there should be an examination by paid professional men?—I think so; once a year would not only best suit the public service, but would greatly stimulate education; if a young man knew that he would have a chance every year, it would greatly stimulate him to make exertions, but if the examination were only once in three years, I think it would not have that effect.

579. Combining with that examination a certificate of efficiency in different sciences, arts, and practical engineering connected with such an office as county surveyor, are you of opinion that the examination might tend very largely to the advantage of the youth of Ireland in obtaining such a certificate as that for employment out of the country, as well as in it?—Yes; but I rather incline to the opinion that there should be no certificates whatever, but that the examination should be simply of this character: let there be a certain number of vacancies to be filled up, and let the Government fill up that number of vacancies by appointing the best men, and take no account of the others at all.

580. The vacancies in the year perhaps, may be one amongst the county surveyors, and amongst the assistants not 20; now if you take the examinations in a year from your university and the other universities, and the private establishments, some of which have a very high character for education in these engineering purposes, if there is not a roster kept, you would not be able to get the best when you had a vacancy?—I do not think so. With regard to the admission into the Royal Artillery, they advertise that on such a day will be held, in Burlington House, an examination for certain places. Last month 120 candidates appeared, and the result of that will be the election of the 30 best men to those places, and no account whatsoever is taken of the others, except this, that a report is given, mentioning the index, number of each candidate, for the names are not known to the examiners; this is of importance for the satisfaction of the candidates themselves; but as far as the public service is concerned, no account is taken of any but those who are successful.

381. You would vary the principle of the annual examination upon the supposition that there were no vacancies in the year?—Yes; an analogous case would occur in a college where there was an annual examination for fellowships; it may occur, and has occurred often, that in some years there are no vacancies, and then no examination is held; but in this case, if there be a large number of assistants and county surveyors, there would be sure to be vacancies every year. In a body, suppose of 150 men, holding public situations, I think experience proves that there must be every year some vacancies, either from death or resignation.

582. Mr. *Macarthy.*] I presume, if the limit of age which is suggested by Mr. Griffith were adopted, those vacancies would fall in oftener than under the present system?—I think so; I may be wrong.

583. If the age was limited?—I do not think that Mr. Griffith proposes that there should be that limit of age for those in the service; I think what he refers to is a limit as to the age for candidates; he says, "The ages of county surveyors to be between 24 and 36, and those of baronial surveyors to be between 21 and 34."

584. I understood that a person was to cease to be a surveyor after the age of 36?—No; what he evidently means is this, that candidates should be within those limits.

585. You say that it would be desirable to have the examination every year, provided there be a vacancy; naturally it would suggest itself that it would be a great advantage to young men to have the examination as soon as they thought themselves fit to compete?—Yes.

586. Otherwise they might lose two years, upon Mr. Griffith's plan, without being examined after they were qualified?—Yes. Suppose the case of a student in the engineering school of Trinity College, I take it for granted that it would be a very great advantage to him if he knew that he could at the end of his course compete, and not have to wait two years, as upon Mr. Griffith's plan; that is one objection: and the other objection is, that a man's name being swept off the list at the end of every three years really diminishes the value of the prize gained so much that I think it would limit the competition. And I think I should mention, with regard to a question asked about the facility with which the examiners should be obtained, that I do not think you could get your best examiners for such a system as this from the Universities. I think that the suggestion of Mr. Griffith is much more to the point, that you should get a civil engineer, in practice at the time, and a county surveyor, assisted by a scientific man such as you could get with advantage from the university.

587. Mr. *Henry Herbert.*] Are the baronial surveyors, whom Mr. Griffith mentioned, supposed to be the same that we call assistant surveyors?—I think what Mr. Griffith means by baronial surveyors is assistant surveyors, but of a better class than the present men. The present men, called assistant surveyors, receive but 50 *l.* a year for their services, and are not of that class or condition as to education that Mr. Griffith contemplates.

588. Do you suppose that Mr. Griffith has it in contemplation to have assistant surveyors under them again, or are they supposed to do all the duties that are now performed by the assistant surveyors?—Mr. Griffith does not take any notice of that in his paper, and I do not know exactly what his views are upon that subject. I am inclined to think that if there were a sufficient number of assistant surveyors appointed, they would be amply sufficient.

589. Have you any apprehension that in getting this superior class of men for

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what is called, in that paper, baronial surveyors, the duties now performed by the assistant surveyors may be distasteful to them?—I should think not. I can give the following reasons for it: that the young men who have obtained their diplomas, and immediately after receive employment, forthwith enter upon the discharge of duties of that kind; such duties as require the daily supervision and management of workmen, and the measurement of work, and matters of that kind. I, no doubt, am not particularly acquainted with the details of the duties of country surveyors; but I take it for granted that the first kind of work that those men would be put to, would be of that character. Now, I know, as a matter of fact, that the class of young men of whom I speak, have undertaken that kind of work and done it satisfactorily. I am sure that those men would not be above their work.

590. You are aware that a great deal of the work that an assistant surveyor has to perform, is more in the nature of a steward's duties?—We contemplate raising the character and condition of those men; the present class of men do nothing but that kind of work. I do not think it would be a desirable thing for a young man of education to begin that work with nothing else; but I contemplate a class of young men who could do work of a better description; for instance, helping the surveyor, under whom they acted, to plan and lay out new roads. I find that in the Commission of 1842, Mr. Lanyon states, that he found, in the county of Antrim, that he could not do the work of the county himself, had it not been for the fact that he had private business, and was assisted by his own apprentices. Now, I suppose that those apprentices received all the advantages of instruction in his office, and were able to assist him in doing the kind of work that he did himself; and there we have his admission, that in the county of Antrim he was utterly unable to do his work without such assistants; and that is merely an accidental circumstance; in another county, another surveyor might not have them.

591. You propose that the baronial surveyor should be entirely under the county surveyor?—Certainly.

592. Should the county surveyor have the power of dismissing him?—No, I should think not. On consulting the Act I find that even the present class of assistants are liable to dismissal in the very same manner as he himself is, either by the grand jury or by the Lord Lieutenant. No doubt he could procure the man's dismissal, by making complaints of inefficiency or impropriety of conduct; but it is a questionable thing whether he should have the sole power; he has not the sole power at present.

593. You propose that he should be entirely under the county surveyor, as the assistant surveyor is at present?—Yes, the same as an officer of a regiment is under the direction of his superior.

594. Do you suppose that those baronial surveyors are intended to have particular districts given them on appointment, or that they shall be liable to be removed according as the county surveyor finds it necessary to place them?—I would not wish to give my own opinion upon that, because I suppose that I have not sufficient information; I believe at present they are appointed by the surveyors to different districts; I think that appears from Mr. Lanyon's evidence; but whether it would be more advantageous to have a corps or staff of those men placed under the county surveyor, whom he could at his own pleasure despatch to this or that part of the country, I will not take upon myself to say; either plan might be adopted; but I do not know which would be the most advantageous; I suppose it would be better to leave it to the discretion of the county surveyor.

595. Mr. *Magan.*] I think you mentioned the salary which Mr. Griffith proposes to give to the assistant?—Yes; he mentions that the salaries of the baronial surveyors should be in proportion to the extent and importance of the districts allotted to each; that they should vary from 80 *l.* to 120 *l.*, and those of the county surveyors from 350 *l.* to 450 *l.* and 600 *l.*

596. Does Mr. Griffith propose to relieve the county surveyor of any portion of his responsibility by appointing these assistants?—No, he does not.

597. He would still make the surveyor responsible for all the works executed?—Yes, I think so.

598. What branches of education would you leave for the second examination for a baronial surveyor, which you would not require for the first?—I might suggest

suggest architecture as a branch which might with advantage be reserved. I understand that a county surveyor, although not required to be a first rate architect, yet is required to design a certain class of buildings in counties, such as sessions houses and police barracks.

599. You would not require the assistant to know anything about architecture?—I think that that might be reserved for the second examination with advantage.

600. Do you suppose that the time of those assistants would be fully occupied in overseeing any works whenever they might be sent by the county surveyor during the years that would elapse before they became county surveyors?—I think so, judging from the evidence of the county surveyors in 1842; I find it stated that they are not able themselves personally to inspect the works, and even Mr. Lanyon says, that with 12 assistants he could not do the work unless helped by his apprentices. Mr. Lanyon says that his apprentices supply him with a staff, without which he could not do the county business of laying out new roads within the very limited time allowed by the law.

601. Besides architecture, you would allow the assistant to pass without any knowledge of the other higher branches of science which you would require the county surveyor to know?—I may specify certain branches which, in my opinion, the assistant should know; for instance, he should be able to survey and level, and he should be a good draughtsman, and his knowledge should be tested in making specifications of works, and, in addition to that, he should submit to an examination in elementary mathematics and the principles of physics, geology and chemistry; for I maintain that all those branches are necessary to a properly educated engineer.

602. If you allowed the assistant to survey and lay out works, how would you propose to hold the county surveyor responsible?—In the same way as I should hold the engineer of a railway responsible. I have no doubt that the directors hold him responsible, although a great deal of the work is done by assistants whom he employs.

603. Do you think there would be a reasonable probability of a young man acquiring this knowledge of the higher branches of the art after he had done his day's work, and was tired?—The kind of knowledge that we speak of, I think, he would be acquiring during the day, not after his work was over. The additional business that I would subject him to at the second examination would be of a peculiarly practical character; and we know very well that men who are ambitious to succeed very frequently do acquire a great deal of information under circumstances that would be ordinarily accounted difficult. It would have the effect of distinguishing the bad men from the good.

604. Mr. *Waldron.*] You mentioned, I think, that in your opinion the hope of advancement from baronial surveyor to county surveyor would induce young men of superior education and class to offer themselves to be baronial surveyors at this reduced salary?—Yes.

605. The number of county surveyors is now about 40?—Yes.

606. Under this proposed plan the number of baronial surveyors would be over 250, would not it?—That would depend upon the number you allotted to a county; if there were three or four in each county there would be about 120 assistants.

607. Do you think that the chance of promotion being so slight would act as an inducement?—Of course that is open to question; I think it would; but then we must recollect that, in addition to that kind of advancement, there are other kinds of advancement. A man may, of course, abandon this department of the public service and go to something else, if it offered, and he would be fitting himself, by acquiring knowledge, to perform the duties connected with his profession, by the services that he would render as an assistant. I think, taking into account the hope of direct advancement in his own department, and the other advantages which I have mentioned, that there will be sufficient stimulus to induce young men gladly to enter the service.

608. Do you know how it is proposed to pay this board of examiners?—No. Mr. Griffith proposes a payment, but I am not acquainted enough with the way in which these things are managed to suggest how that should be done. I think that a small sum would be sufficient; it might be made the subject of an estimate perhaps; for instance, with regard to the military examiners, I know that it is made the subject of an annual estimate; it is moved for in Parliament from year to year.

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609. Mr. *Hassard.*] On the plan that you propose, do you not think that there would be many more vacancies in the year amongst the assistants than there are now; the present men when appointed I think generally remain in the same situation for life?—Yes; for instance, we find that amongst the county surveyors at present cases of resignation have occurred; a man holds a situation, and he hears of a better thing for himself, either here or in the colonies, and he resigns; and I suppose that in this class of assistants similar cases will occur, and probably to a greater extent.

610. Mr. *Henry Herbert.*] You alluded to Mr. Lanyon's evidence, given in the year 1841, in which I find that he states that the county has expended 90,000 *l.* in new roads; and when he states that he could not get through his work without a large staff, it rather appears to allude to the case of a county where there was an immense amount of new work to be performed, does not it?—It states in the early part of his evidence, that he "does not think he could manage another county in conjunction with Antrim, having at present as much to do as he can; if he had a large staff allowed him, it might just be possible, but a great quantity of work could not be got through by one surveyor without difficulty, and does not think he could do it efficiently. The county has expended 90,000 *l.* in new roads, besides 20,000 *l.* in repairs."

611. Do you not think that he rather alludes there, when he talks of the large staff that is required, to the case of a county where large sums are being expended in the making of new works?—I really do not know; it is possible that he may, but he does not specify in the sentence that I have just read that there was anything unusual in that outlay.

612. Are you not aware that the circumstances of the country, since the year 1841, are very much changed; that the relief works have made almost all the new roads that can possibly be contemplated?—I believe, from what I have heard, and from what was stated to the Committee by Mr. Tate the other day, that additional work has been thrown of late upon the county surveyors; that instead of their work being rendered more easy, it has been rendered more difficult. Those very roads, which were constructed under the relief works, require maintenance, and a great number of the turnpike-roads have been thrown upon the county surveyors; I think that was the purport of Mr. Tate's evidence.

613. I think that evidence alluded rather to works of maintenance, in consequence of the great additional mileage of road existing to keep in repair, and that therefore the work that you alluded to that would give practice to those baronial surveyors, in the shape of making new roads, would scarcely exist, in consequence of the changed circumstances of the country?—It is possible. I read this sentence from Mr. Lanyon's evidence on the supposition that he spoke in a general way: I may be wrong in having done so, but in any case I do not think it a desirable thing that the public service should be made to depend upon the exertions of apprentices of a man taking private business; that is my private opinion, whatever it is worth. It is a matter of accident that a man should have them; and I do not see why one county should differ from another in that respect.

614. I want to ascertain your opinion exactly as to the propriety of getting a superior class of men in the capacity of assistant surveyors, and therefore I would ask you if you see a reasonable prospect of new works being made in Ireland sufficient to give that class of employment that you would wish to give to these men?—I hope so. I hope, as our country advances in material prosperity, a great amount of additional works in the character of public works, and the construction of new roads, will be thrown on the county surveyors. I believe it is admitted that the means of communication must necessarily be greatly increased when material prosperity advances.

615. Are you not aware that a vast number of roads were made in the years 1847 and 1848 that were considered useless and superfluous?—Yes, because it was done as a piece of public policy which was very questionable; it was simply for the purpose of throwing a number of persons into employment, upon the same principle that you would employ them in digging holes in the earth with no object in view further than paying them wages. It was the opinion of many persons that the relief works were of that character, merely for the purpose of paying the men 1 *s.* a day. Mr. Lanyon states that he had 12 assistants, and yet he finds that in order to lay out new roads he is obliged to employ his apprentices; that, in my mind, shows the necessity of an educated class of assistants; no doubt

doubt his apprentices were educated in his own office, and he found it necessary to employ them; although he had 12 assistants, his assistants were of no use to him in laying out new work.

616. Can you suppose that there is such a thing in Ireland as any county laying out 90,000 *l.*?—It does not state during what time that sum was laid out; I can imagine that in a large county, within a reasonable time 90,000 *l.* might be laid out in new roads.

617. Can you imagine the existence of a grand jury that would sanction such an expenditure in any reasonable time?—That depends upon what is called a reasonable time.

618. Have you formed any idea of the size of the district that you would give to the district surveyors?—It has been proposed by some persons acquainted with the subject that three, or probably four assistants to a county would be a fair allotment; that would make something over 120, and if that was the number determined upon, of course you would not give four to each county, for some are smaller than others; for instance, the county of Cork is so much larger than others, and it would require a larger number of assistants; but I think that from 120 to 150 might be put forward as a reasonable number.

619. Those men that are called baronial surveyors in that paper are not supposed only to have the charge of one barony?—I should think not; I do not know why Mr. Griffith called them baronial surveyors; in conversing with him upon the subject he did not call them so. In the commission of 1842 there is a recommendation that district surveyors should be appointed, and they speak, I think, in that report, of three or four for a county, but they also speak in that commission of six circuit surveyors to be appointed in addition. There was an opinion there given by Sir John Burgoyne, that the county surveyors were not able to do the work allotted to them, and he therefore proposed that their condition should be somewhat lowered, and their number should be increased, and that the great public works required in different counties should be superintended, and estimates made for them, &c., by six circuit surveyors.

620. That proposition would involve the giving up of what we call the county surveyors altogether?—Yes; it would be a centralization scheme altogether; it would put the whole affair into the hands of the Board of Works.

621. Are you prepared to recommend that?—No; I am not at all for centralization.

622. *Chairman.*] You have been questioned with regard to the county of Antrim in the year 1842, and it appears from the Report of the Commissioners then that there were at that period 12 assistant surveyors?—Yes.

623. Can you state, from the table that has been put in, how many assistant surveyors there are at the present time in the county of Antrim?—In the year 1854, which is the latest year given here, there were 12.

624. Therefore the county of Antrim appears to have continued the number of assistant surveyors since the period to which the questions of the honourable Member, as regards the extent of the works in the year 1842, applied?—Yes; there are 12 assistants still.

625. You were questioned also as to the probability of the number of vacancies that might reasonably be expected, proving an inducement to candidates; can you state whether or not it is the case that, even comparatively speaking, a small number of public situations affords a strong stimulus to a considerable number of candidates?—With reference to this very post of county surveyor, I believe that at the last examination that was held, although there was no publicity given to it, there were 73 or 74 candidates at that examination; with regard to another kind of examination which was held for the military service lately in London, there were 120 candidates.

626. Was the examination, at which there were 74 candidates, the county of Dublin examination?—No; the general examination for counties.

627. Supposing that there might reasonably be expected from 100 to 120 assistant surveyors, and 38 or 40 county surveyors, perhaps there might be eight or ten vacancies among the assistant surveyors, and perhaps one vacancy amongst the county surveyors; do you think that those 10 or 11 situations would afford a strong inducement to persons to educate themselves and to become candidates for those situations?—A very strong inducement; I have no hesitation in saying that. I have had of late considerable experience with regard to the stimulus given to the exertions of young men by competition. I have been for 14 years

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engaged in Trinity College in instruction, and I must say I never witnessed anything like the exertions I have seen during the last two years, not only on the part of those receiving instruction, but on the part of those giving instruction. Teachers imagine that their own honour is engaged, and that is a thing which will always lead men to make extra exertions; and that will be the case with regard to every competitive examination for the public service. It was an opinion well expressed by the Dean of Hereford, that Government might endow educational establishments with millions of money, and they would not afford such a stimulus to education as by opening public offices to competition.

628. How many have been the vacancies in the different departments that have given rise to this extra stimulus?—At Woolwich, since the competitive examination was opened, there were 50 places offered at the first examination, but they were not all filled, and 50 the second time, and 50, I think, the third time, and there are 30 now; but on the whole, somewhat over 100 places have been filled up in two years, since the summer of 1855; and all those examinations have been largely attended, particularly the first and last. And I may here make an observation upon competitive examinations that is of importance; namely, that after a competitive examination has been properly established, and the character of it known, although it may appear strange, the candidates generally fall off in number from the first examination. Now, I have reason to know that the authorities were rather disappointed in this military examination, that the number of candidates was less at the second examination than at the first; but to those acquainted with the principle of competition it was not astonishing at all, for at the first examination a number come forward who have no pretensions, they soon find out their mistake. They see the nature of the examination, and it is put out of their head altogether for the future, and they never come forward again. In France an examination is held over the whole country once a year for admission into the Ecole Polytechnique, and the whole thing has settled down into a system, so that the whole number of candidates has settled down to an average of six for one place. At the last examination there were four for one place at Woolwich; and at the competition for civil service of India there were five; I think five or six candidates for one place is a healthy state of affairs. A greater number is not a normal or proper state.

629. With regard to giving different branches their proper position in a system of competitive examination, can you state how that is provided for in the Woolwich examination?—When the Government appointed the Board of Examiners, they met, and after a consultation, agreed upon weighting the different subjects with different numbers; and when the examination was held, and the examination papers read by the examiner, if a man answered in what he considered the very best possible state, he gave him the whole of that number; or if in a certain style, a certain proportion. If, in an examination paper there are 10 questions, and I consider them all to have equal weight, and I found a man answering six of those questions, I would put him down at 60 per cent. If the marking is 1,000, I give him 600. If the questions are of unequal weight, I put opposite to each the number that represents it, and give the candidate exactly what I think the value of his work is.

630. Does the same system of giving weight proportionate to the importance of the subject apply to different branches in the same course of examination. Supposing it to be considered that certain particular branches, being practical, are more important than certain other branches, which are merely theoretical, is that arranged by setting the numbers to which the candidate may reach under each respective branch?—Yes, exactly. With regard to this military examination, their marking has been altered from what they set out with. For instance, they allotted an equal weight to classics to what they gave to mathematics; and it was considered, and I think rightly, that they did wrong in that, and they have altered it; and they have now established what I think is a very fair system, and no complaint is made; but there were, in the first instance, complaints. I think, in the course of two or three years, there will be no difficulty found about giving the just value to each branch.

631. Can you state any instance in which a scientific knowledge of road materials would have been of great importance by way of illustrating the importance of scientific knowledge combined with practical knowledge in engineering?—I think so; I believe it is the case that men who are ignorant generally select those materials easiest to get at, and a great mistake may be made in that way,

way, for when the maintenance comes to be considered, it may make it far from economical that those materials should be employed. With regard to the city of Dublin, we are very badly situated with regard to materials. The public have been in the habit of supposing that greenstone has been laid down; the greenstone in question is no greenstone, further than its colour is green; it is very far from being what a geologist would call crystal line and compact greenstone fit for road-metal.

632. In that case the name of the stone has been taken from its colour, and not from its geological character?—Yes.

633. Can you mention any instance of the same kind, in reference to the importance of hydraulics?—In Ireland there are 15 or 16 counties upon the sea shore, some of them the largest that we have, and there are several hundreds of miles of sea shore; and in some cases it has been thought advisable to reclaim land, and to construct fishing harbours; now a knowledge of hydraulics and of the laws that regulate the tides is not only essential, but absolutely necessary for the construction of works of that kind; and instances have occurred of great mistakes having been made, involving considerable loss of money, from an ignorance of facts which a scientific man could not but be acquainted with.

634. Can you illustrate that by a particular instance?—I cannot undertake to name instances.

635. With regard to a knowledge of the ores and mining, what is your opinion upon that subject?—It may be said that a knowledge of that kind is not essential to a county engineer, and I admit that for the discharge of his duties it is not necessary, but in a country like Ireland, the resources of which need development, I think it desirable to have a class of educated men scattered over the country; now the county surveyors are a class of men scattered over the country, and if they possessed the skill of which I speak, it would enable them to lay bare resources which escape the eye of an ignorant person; and men of this class are of great use in a neighbourhood in preventing others from making mistakes in ignorantly laying out money; many instances of that kind have occurred; I may mention that I have no doubt that some of the counties of Ireland are as yet quite unexplored, for instance, Donegal, Mayo and Galway.

636. Those are the reasons on account of which you think it exceedingly important that the best mode of examination should be devised, with the view to the appointment hereafter both of county and district surveyors?—Yes; suppose it were likely that in the county of Donegal there are rich minerals, it is evident that it would be well to have there a county surveyor, and assistants, with such information as would enable them to find out those minerals which otherwise they would ignorantly pass over as of no importance.

637. Mr. *Macarthy.*] Are you aware of any small fishing harbours in Ireland having silted up, which if constructed upon more scientific principles might not have done so?—Yes, I cannot mention any cases; I have heard of some. In works of that kind, in the removal of the bars of rivers, I take it for granted that scientific knowledge is absolutely essential; now if a man be placed in the position of a county surveyor, and such duty be thrown upon him, we all know what a man in such a position will do; he will go on blindly doing the work; he will not admit his ignorance or look to other men to help him, and in consequence a very great public loss may be incurred.

638. *Chairman.*] You being opposed to the centralization system, I conclude, are of opinion that it is better that we should have these things done by ourselves, by our county surveyors, than by the Board of Works?—Yes; and I think that some of the late operations of the Board of Works would make a person certain of that.

639. Mr. *Henry Herbert.*] Is it proposed to make the appointment of a certain number of these baronial surveyors compulsory on the grand jury?—Mr. Griffith, in his paper, does not make any proposal as to the number, but I think that that might be with advantage defined exactly; I do not know upon what principle it ought be done, but I think it would be desirable that a certain number should be appointed, say so many to one county and so many to another county, in proportion to the area or the miles of road.

640. You would not leave it in the discretion of the grand jury?—I would not undertake to give an opinion as to which would be the most advantageous for the public service.

641. Of course, you are aware that the greatest possible inequality exists at present?

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present?—A great inequality as to the number of assistants; at present, I find that some counties have no assistants, and other counties have so large a number as 10 or 12.

Henry Brett, Esq., called in; and Examined.

Henry Brett, Esq.

642. *Chairman.*] WILL you state what office you hold in connection with the supervision of works in Ireland?—I am County Surveyor of Wicklow.

643. You have been county surveyor in several other counties; will you describe when you entered the service, and what counties you have been connected with?—I was appointed in the year 1834, to the King's County; in 1836, to the county of Mayo; in 1849, to Waterford, and in 1853, to the county of Wicklow.

644. You were county surveyor to the large and important county of Mayo, in the period between 1836 and 1849?—Yes.

645. Had you been previously engaged in connection with the old Grand Jury system?—Yes; for about 10 years under the old Grand Jury Acts of 36 Geo. 3, and 59 Geo. 3.

646. Since you became a county surveyor under the Grand Jury Act, have you been able to discharge the duties of your office in person?—Yes.

647. To what extent?—All the important portions of the duties were discharged by myself in person, aided, of course, by my assistants.

648. When you had charge of the large county of Mayo, did you find it necessary to have the aid of assistants?—I had four assistants there.

649. In the county of Wicklow, where you are engaged at present, will you describe what the duties are which you yourself perform, and what the duties are which your assistants perform?—I have three assistants in Wicklow; I design, and supervise, all the new works, new roads, bridges, alterations of county buildings, and the maintenance of all the important mail coach roads, and what had been turnpike-roads and the main thoroughfares of the county; in addition to which, I examine all the roads of the county, at least once or twice a year; twice a year in most cases. The assistants attend to the measurement of stones and ordinary repairs, details, the prevention of nuisances, and the service of notices, and urging of contractors, which is a very important duty, to try and obtain a constant system of maintenance.

650. In your opinion, is it possible that any county surveyor could, without assistants, adequately perform the duties of his office?—I do not think it is practicable.

651. Do you find, in the county of Wicklow, that the three assistants whom you have there now, are sufficient to enable you to supervise satisfactorily the public works?—They are scarcely, but that depends upon the present state of the law; if the law were improved, as I conceive it ought to be, that is, to provide for a more constant system of maintenance, and, of course, for corresponding prompt payments, it would involve the necessity of a greater amount of supervision, and consequently a larger staff of assistants.

652. Do you think that from the want of a proper supervision in that respect there is a pecuniary loss every year to the county?—Undoubtedly, both in the cost of the works, and in the loss to the public, from the total impossibility of insuring that description of constant precautionary maintenance, that is so essential to the welfare of the roads, and to the advantage of the public.

653. Take the case of the county of Mayo, where you were so long the surveyor; can you inform the Committee what the state of the roads was in that county at the period when you became the surveyor?—They were nearly all impassable; in the year 1836, there were but about 50 miles of road under maintenance contract, the mail coach roads and post roads; the remainder of the roads were all repaired by what was called perch work; a few special perches were repaired over a long line of road, and the result was a large outlay, without any corresponding satisfaction; nothing could be worse than the state of the roads in Mayo previous to 1836.

654. What means did you take to alter that state of things?—I proceeded as rapidly as I could to divide all the leading roads into convenient contracts; and upon my representation at the presentment sessions, the ratepayers and grand jury approved of the maintenance contracts as far as they could be carried out.

655. Was that attended with a great diminution of the expense?—Yes; and great corresponding improvement in the state of the roads. In the years 1843 and

1844

1844 we got them into a very good state. I had over 1,000 miles of road under contract. It took six or seven years to get them into a good state.

656. Have you any means of informing the Committee as to the cost of maintenance before and since that period?—I have. In the year 1834, when the law was changed, there were no roads under contract; the mail coach roads, through some informality, were not under contract, but in 1836, when I got charge of the county, there were under contract about 50 miles. As extracted from the county books, the total cost of maintenance and repair in that year amounted to 11,666 *l.* 16 *s.*; in the year 1844 I had 1,352 miles under maintenance contract, and the cost was diminished to 9,701 *l.*; I find that since I left the county in 1854 that quantity has diminished to 1,178 miles, and the cost is 9,383 *l.*

657. So that there has been a gradual diminution in the cost of maintenance since the introduction of the new system of supervision?—Very large; but that can give but a very faint idea of the benefit to the public, inasmuch as the whole of the roads was scarcely ever passable under the old system, and in the course of seven years I had those 1,352 miles in fair condition, and most of them in a very excellent state.

658. Will you describe, in the same way, with regard to the county of Wicklow, the process of the diminution of expense, if it be so, since you took charge of it?—In the county of Wicklow the circumstances were different; I found that in the year 1834 there was a partial system of maintenance; in that year there were 395 miles under maintenance contract, at a cost of 4,460 *l.*; in the year 1844 there were 675½ miles, at a cost of 7,323 *l.* 10 *s.* 10 *d.*; and in 1854 I had 1,015 miles under contract, at a cost of 6,169 *l.* 15 *s.*, that is, over 1,000 *l.* less than the 675 miles cost in the year 1844.

659. One thousand miles in 1854 were maintained at a less cost than 600 miles in 1844?—Yes.

660. Is the state of the roads equally good, or better?—The roads of importance generally in Wicklow are in a very fair state; most of them are in very superior order; we have now somewhere over 1,100 miles, including the turnpike-roads, and some others that were not in contract in 1854.

661. The inference, I presume, which you draw is, that close and proper supervision is very economical, as regards the saving of the county funds?—Unquestionably; that is my decided opinion.

662. When were you appointed first?—In the year 1834.

663. What was the system of preliminary examination at that period?—I applied in the first place to the Lord Lieutenant, and was advised that my name was put on the list of candidates; then in April 1834 I attended at the Board of Works for about 12 days; the system of examination was by written questions, and written answers: the subjects were, previous education and employment, submitting testimonials and specimens of drawings; next, questions as to practical engineering, surveying, mensuration, architecture, so far as the ordinary designing of county buildings; bridge building, strength of materials, laying out and making new roads, the repairs and maintenance of roads, the valuation of lands, the economic value of works and materials, and miscellaneous questions, involving several scientific questions in algebra, geometry, and trigonometry, mechanics and hydraulics.

664. Were there many candidates at the time you were examined?—A very large number; I think some 150, or upwards.

665. Was that the first examination under the new system?—It was.

666. What number of vacancies were there to be filled up?—Thirty-two at that time.

667. Were the candidates for the office of assistant surveyors examined at that period?—No, there were no assistants provided for under that Act; under the Act of 1836 the assistants were appointed; after the spring assizes of 1837 the grand juries fixed the number of assistants to be appointed.

668. Having passed your examination, and being returned as qualified in the year 1834, I take for granted that no further examination was required when you were appointed to the other counties?—No.

669. Will you state what your salary in the county of Wicklow is?—Three hundred pounds a year, with 50 *l.* for the expenses of office and clerk.

670. Can you inform the Committee as to the amount of the necessary outgoings from that salary to enable you to discharge your duties satisfactorily?—They are about 100 *l.* a year for travelling and hotel expenses; in Mayo, my

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outgoings were from 120 *l.* to 150 *l.* a year. The grand jury at the Spring Assizes of 1837, finding that I was trying to get the roads into a good state, and incurring large expenses, applied to the Board of Works to place the Government roads in my charge, as an indirect means of remunerating me, as they had no direct means; and I held that office up to the time I left the county, with a salary of 30 *s.* a week. They also gave me an applotment of the general valuation, and applied to the Lord Lieutenant to appoint me a sub-commissioner to Mr. Griffith. Having no direct means to remunerate me, they adopted those means.

671. Are the Committee to understand that they were actuated, in recommending you for those additional offices, by the feeling that your remuneration as a county surveyor was inadequate?—Solely, and for no other reason.

672. Your salary being 300 *l.*, and your outgoings being nearly one-half?—From 120 *l.* to 150 *l.*; I had to travel from 5,000 to 6,000 miles a year, and to spend from 60 to 80 days in each year at hotels.

673. With regard to the nature of the functions of county surveyor, you have heard the examination of Mr. Tate; do you wish to add anything to what Mr. Tate has already said?—Yes; it appears to me that, as regards the applications for presentments, it would be desirable to have them classified; at present, the applications come before the sessions in a desultory form; they may or may not be properly applied for. The sessions are, to a great degree, bound by those applications; and it appears to me that those applications very much interfere with the discharge of the duties of a county surveyor.

674. You object to the desultory manner in which they are made, and to the character of the applications?—Yes; I think that the county surveyor ought to be in a position to revise those applications, to bring them forward, or to classify them before the sessions.

675. How would you propose that this should be effected?—All the applications might be submitted to him, say 30 days before the sessions.

676. Would that require an alteration of the law?—I fancy it would.

677. You propose that the law should require that the applications should be lodged at a certain period, and submitted to the county surveyor previous to their being brought before the sessions?—Yes; at present it is the duty of the surveyor to examine the list; but then he can only interfere and apply for such as have been omitted; if an application is irregular, it is held in most counties that the surveyor cannot interfere with it.

678. The surveyor may apply, but where there is an irregular application for a necessary work, there are no means of having it rectified?—No.

679. That is from a defect in the law?—That is from a defect in the law.

680. Will you state any other point which occurs to you?—The next point is as to giving the works in charge to the surveyor; by a recent Act, which has just passed the Legislature, a defect that at present exists will be remedied; if no contract was entered into, heretofore there could be no presentment, and most important works frequently fell to the ground, and very great inconvenience was found to be the result; that will now be remedied to a great extent. The next is where works had been contracted for, and handed over to the county surveyor. Under the authority of the 146th section, there is no power to provide means for payment, and therefore it is to a great extent nugatory; and the same defect exists with regard to the operation of the 54th section, relating to works of maintenance, where the county surveyor is bound to give 10 days' notice to the contractor, and he may then cause the roads to be repaired; but he has no means of providing money and making payment, and to a great extent that provision of the law is inoperative.

681. How should means be provided for prompt payment?—As it is provided for by the recent Act, namely, that the treasurer should in all cases pay; the previous enactments suppose that the surveyor is to make payments himself, and to be recouped by the grand jury; that appears to be most objectionable. All the financial department should be provided for otherwise; the treasurer should pay out of the funds in his hands, and the duties of the surveyor should be separated from those of the treasurer or paymaster; let the surveyor merely have the execution of the work, and let the treasurer pay for the outlay.

682. Would that involve an alteration in the present system by making the levy to be by estimate, and not upon expenditure?—No, I do not think it would; the mode of levying money is very different in almost every county in Ireland; some

some of the counties levy the money concurrently each half year, commencing with the presentment for the contract; others present the whole year's money at the same time; some present nothing until the first half year is discharged; that is certified and accounted for, and in those latter cases there is no money provided to meet such cases as I refer to; but in the generality of counties, the treasurer has abundance of funds in his hands to make the proper outlays.

683. Does the state of the law prevent that as a matter of practice in that respect?—As the law exists at present the payments cannot be made as I suggest, and the law requires to be altered to meet that emergency.

684. You think that the law ought to be altered so as to permit of the levy being made upon the first presentment of the work?—Yes, and I think the irregularity which no doubt arises from the vagueness of the law should be done away with, and the same mode of levying adopted in all the counties.

685. Will you proceed to the next point?—An Act passed last year, the 19th and 20th Victoria, by which power is given to the county surveyor to summon contractors for neglect of repair of roads, before magistrates, would be most useful if it applied to all classes of works, and was made more immediate in its operation; at present, the contractor must be twice summoned, and the surveyor is bound to execute the work before he can levy the money he expends upon it; that appears to me to be very objectionable; the surveyor ought to be put in a position to execute the work, and power should be given to extend the operation of that Act to works of every kind, and to give either the magistrates or an executive committee of the grand jury (that I propose to refer to hereafter), a power of directing that those works should be executed and paid for promptly.

686. You refer now to works contracted, for where the contract has not been properly performed?—Yes.

687. How would you deal with a contractor, or with his sureties; would it be right to give the county surveyor the power of executing those works under the authority of the magistrate, without previously giving an option to the sureties for the contractor, to save themselves by performing the work on the part of the contractor?—I would in all cases give them a certain number of days' notice, a ten day or other notice, to be defined by Act of Parliament. I think the contractor should have a fair and reasonable opportunity, both for himself and for the sureties; but it appears to me to be very unreasonable to summon the contractor first: and then after a month, or some other long period of time, to summon him again; and it is only after the second summons that the order for the work can be carried into effect, and in the meantime great inconvenience to the public may arise. A bridge might want repair, and in the interval of the periods lost by summoning the contractor it might fall in, or become more dangerous, and no power would exist to repair it. The next thing is as to the mode of discharging presentments. In some of the counties, the grand juries make special rules for the guidance of their officers; for example, in the county of Waterford, the grand jury there desire that the surveyor should certify, to some extent, in a conditional manner, at the sessions; if he finds any reason to object to the work between the sessions and the assizes, he then should give notice of it to the defaulter, and the grand jury annul the certificate altogether. In other counties, certificates are not given in any case, say, until half a year has elapsed, and therefore the contractor cannot receive any payment for a whole year. In Wexford, I believe in Kerry, and some other counties, the moneys are first accounted for, and not levied until after that discharge; and, of course, the contractor is not paid for a long period. In Wicklow, and I believe it exists in some other counties, the rule that is adopted by the grand jury, and acted upon by the officer, is to certify, from sessions to sessions, for the period actually gone by from the time of the presentment up to the sessions, and not for the period between the sessions and the assizes, so that each county has a rule of its own; and those are all found to be very inconvenient, and to interfere very much with the duties of the surveyor.

688. Is there any other point in which you think the law with regard to surveyors requires amendment?—It appears to me that authority should be given to the surveyor to certify for so much of the works as are properly executed; in very many cases, the difficulty of the surveyor arises from works being half or quarter done, and the great difficulty is to know how to deal with them. Some of the judges hold, that unless the contract is complete, the surveyor is not justified in giving any certificate; others hold the contrary; and that leads to very great inconvenience, and I think there should be some definite rule to provide for

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all those contingencies, either to authorize the surveyor to certify for the part executed, which seems to be the honesty of the case, or else provide a suitable remedy.

689. Are you aware that in the county of Dublin the surveyor may certify for the proportion of the work which he believes to be executed, and payment is made accordingly?—I believe that to be the case, and it seems to me that it should be extended to other counties.

690. Will you proceed with any other points?—As regards the duties of the surveyor generally, it appears to me that the surveyors are in a very anomalous position; they are in every way subject to the grand juries for their salaries; and are not alone under the control of the grand juries; but are subject to their dismissal, and in every regard they are perfectly dependent upon them; it seems to me that that ought to be altered; that the salaries of the surveyors should be fixed by the Lord Lieutenant; then throw all the responsibility that you desire upon the surveyor, and make him in every case perfectly responsible, and give him proper assistance to carry out the works, and I have no doubt they would be done with very great satisfaction.

691. To what extent do you mean, by that answer, that you would make the county surveyor independent of the grand jury?—Solely so far as regards the salaries; in no other respect.

692. Are they not independent of the grand jury now, with respect to the salary, the salaries having been fixed?—No.

693. Have the grand jury the power of altering it?—Yes.

694. Have you heard of any instance in which they have exercised that power?—Yes.

695. In the way of diminishing?—Diminishing and increasing.

696. Your opinion is, that the salary should be fixed by the Lord Lieutenant?—I think so.

697. Would it be desirable that counties should be classified in proprotion to their mileage, or extent, or some other principle, and that the salary should be fixed for the county surveyor, having reference to those considerations?—Certainly it appears to me that counties of importance and of large population, and a large amount of presentments, and corresponding new works of consequence, ought to be on a different footing from small and less important counties.

698. Is it your opinion, speaking of the control of the grand juries, that they should be deprived of the power of removing the surveyor for any inefficiency or misconduct?—Not absolutely, but that there should be an appeal to some quarter, either to the Lord Lieutenant in Privy Council, or some central authority.

699. Do you found that opinion upon any instance that occurs to you of an improper exercise of control by grand juries?—I can hardly say of improper control, but I believe it has been exercised in several cases in a very summary way.

700. Mr. *Henry Herbert.*] Of dismissal?—Yes.

701. *Chairman.*] Do you think then that the grand jury, being the representatives to a certain extent of the ratepayers of the county, should not have the control of the officers of the county?—I think they ought, most fully.

702. What is the nature of the control which you propose to give them, if you deprive them of the control with reference to salary?—I think their representation should have very great weight; unless an officer against whom a complaint is made could exonerate himself, it should cause his removal.

703. Complaint to the Lord Lieutenant?—Yes.

704. The duties of the county surveyors have been very much increased within the last few years by additional works being thrown upon them?—They have very largely.

705. Can you state, with reference to your own county, the increase of duties which have been so imposed upon you?—Yes; the turnpike-roads.

706. Turnpike-roads, relief roads and piers and harbours?—Yes, and in several instances drainage works; the building of bridges over the drainage cuts made by the Board of Works, and the maintenance of the public roads heretofore maintained under the direction of the Board of Works.

707. I presume that you consider those additional duties strengthen the argument in favour of the improvement in salary of the county surveyors?—I think it is quite reasonable; it seems to me that county surveyors are very justly entitled to an improvement of their present condition.

708. Will you describe to the Committee the kind of persons who are your assistants in the county of Wicklow, or who were your assistants in the county of Mayo?—In Mayo they generally were not a good class of persons; two of them were country land surveyors, and others were persons that had been stewards or overseers of public works, and they were not as satisfactory as I could have wished. In Wicklow I happen to be more fortunate; I have three persons, one of whom was surveyor to Earl Fitzwilliam, and another was surveyor of a turnpike-road, in addition to his position as assistant surveyor, and the third was a person who has a considerable farm; each of them is in rather a respectable class of life, and above the ordinary temptations that I know to exist in other counties, among that class of persons.

709. In the county of Mayo, where you say it was not what it ought to have been, was there much malversation between the contractors and the assistant surveyors?—I am afraid there was; from the extent of the county it was impossible for me to supervise it, and so thoroughly prevent it.

710. The assistant surveyors have, of course, principally to do with the contractors, with the measurement of stones, and the immediate details of ordinary work?—Yes, and they are persons on whose probity, as well as intelligence, much depends.

711. If they are not competent, there is a great opportunity of dishonesty?—Very great; it is not their competency so much as their honesty and integrity that is wanted.

712. Would it be desirable that the condition or education of the assistant surveyors should be improved?—I think their condition ought to be improved, to place them above being in the way of temptation; I do not look upon it as necessary to have persons of a high class of education, for the nature of the duties they have to perform, such as the measurement of stones, seeing after the judicious application of those materials, attending to the details of masonry works, the prevention of nuisances, and the noticing and urging of contractors, trying to obtain that system of constant attention, which is most beneficial in maintenance contracts.

713. Do you think that the performance of those duties would be inconsistent with a more highly educated class of men than those whom you have at present?—I do not think it would be inconsistent, but I look upon it that it would be distasteful, and I do not think that a high class of education is at all necessary; it seems to me that in large counties, for instance, the county of Mayo, where there are at present two surveyors, one energetic surveyor, with an efficient assistant of something of the class alluded to, a person having a salary of 150*l.* or 200*l.* a year, and then a sufficient staff of subordinate assistants at from 50*l.* to 80*l.* a year, would be far more beneficial than to have the whole of those persons of an educated class, and coping up with their superior. It seems to me that the assistants should be thoroughly under the control of the surveyor, who should be responsible for the discharge of the duties by his assistants, and carrying out the works by the contractors, and then he should have the dismissal of his subordinates, and such efficient means to compel the due execution of all works, with promptness.

714. You suggest a graduated scale of assistants?—Yes, I think a special assistant, to aid the principal, would be beneficial for large works, and in some of the larger counties.

715. Have you formed any opinion as to the number of miles which an assistant would be capable of supervising properly, according to your view of his duties?—Taking into consideration what I propose to have—payments, say four times a year, and the degree of constant attention that ought to be given, I think from 150 to 200 statute miles would be quite sufficient for any assistant to discharge the supervision of properly.

716. Will you turn to the table which has been put in in that letter addressed to Mr. Horsman; you will observe a very great variance indeed in the number of miles in charge of each assistant, as compared with the number of assistants; take the county of Antrim: will you state the number of miles which each assistant would have in charge there?—About 85 miles to each assistant.

717. Take the next county, the county of Armagh; the mileage in charge being 941, and the number of assistants being four, each assistant would have, I believe, 235 miles?—Yes.

718. Turn to the county of Galway, East, and state the number of miles, and the number of assistants?—One assistant, and 1,103 miles.

719. Take the case of Cork, West?—Four assistants, and 1,479 miles; that is 373 miles each.

720. Take the county of Mayo?—Two assistants, and 1,178 miles; but at present I know there are no assistants in Mayo.

721. Take Roscommon?—One assistant, and 1,555 miles; that number I know has been increased; there is now a second assistant in Roscommon.

722. Then it follows, from those illustrations, that there is a very great diversity indeed in the number of miles under the charge of an assistant?—Yes, very great.

723. Do you hink it a good system that there should be such an extraordinary variance?—I know it is not a good system; I am quite aware it is the very contrary.

724. How would you propose to remedy that?—I think the number of assistants should be fixed by the Lord Lieutenant and Privy Council, probably on consulting the grand juries of the various counties. It should be established upon some general rule, having regard to the amount of traffic, the mileage, the population, and other local circumstances.

725. Assuming it was established upon some principle, that there should be a certain number of assistants in a county containing a certain mileage of roads, how would you propose that those assistants should be selected?—I think they should be examined by a board of some two or three county surveyors, and they ought to be practical persons as far as possible; persons having a knowledge of road making and road repairing; ordinary mathematical knowledge, mensuration, and a knowledge of accounts; but I do not think that their scientific knowledge need go much further than that; their character and practical knowledge is what appears to me to be of more importance.

726. Do you approve of the principle of a competitive examination for those officers which was recommended by the last witness?—So far as they are applicable; as regards the first grade of assistants, I think it is quite fair; but it appears to me, that to extend it to the class of assistants for the road work, and looking after the contractors, would be quite out of the question; I do not think it is requisite at all.

727. You think that class of persons do not form fit subjects for examination?—Not for the nature of examination which Mr. Galbraith has stated.

728. You consider that scale of examination is too high?—Yes, I think it is.

729. Subject to that observation, do you think a competitive examination would be desirable?—Yes, so far as county surveyors and special assistants are concerned; I think nothing can be better.

730. As regards the inferior description of assistants whom you have described, would a system of competitive examination be desirable, though the scale of examination might be lower?—It might be found useful; I have no doubt it would; I think that the best men that can be had, ought to be selected according to their grade.

731. That being the case, do you propose that when vacancies take place men should be appointed to those situations of assistant surveyors, according to the order of their merit?—I think so.

732. Not by the county surveyors, but according to the order of their merit after their examination?—I think the county surveyor should have the appointment if he is made responsible, and he should be bound to select the best man.

733. If the examination is made the criterion of excellence, how can you reconcile it with reserving the appointment to the county surveyor?—I would make him take the best in the order of merit.

734. Mr. *Cooper*.] In estimating the relative salaries to be paid to the county surveyors, I think you stated that it should be taken in proportion to the extent and the population, and one or two other matters?—Yes.

735. Do you not think that there is more work to be performed in a mountainous country, although it may be of smaller extent, than in a flat country?—I find that to be the case myself.

736. Are not bridges and pipes continually going in mountainous districts when they do not in flat?—No doubt, and those are amongst the circumstances which I allude to. For example, every summer we are subject to continual sudden damages of a very serious nature, while in some of the adjacent flat counties they are not subject to anything of that sort; and in the arrangement of salaries, I think all those circumstances should be taken into consideration.

In the small flat counties I think it would be fair to let the beginners get into those counties, and in the important counties with larger salaries, the persons who deserve them by merit, should have them by way of promotion.

737. Is it not a necessary element, in considering what species of bridge should be put over a river, that you should know the quantity of rain that falls in the district?—Yes, certainly.

738. Would it not be advisable that that should be ascertained by each county surveyor?—I think it is not only desirable, but very necessary.

739. In fact, are not queries put constantly by the Board of Works to the county surveyors as to the amount of rain falling in the different districts?—They are.

740. I dare say you remember the time when most of the roads of your predecessors went over hills?—Yes.

741. Do you think we have gone to the opposite extreme in seeking too dead levels?—I think in flat wet counties, with soft boggy flats and low subsoils, we have gone to the opposite extreme.

742. Do you conceive that that causes greater expense to the counties in the maintenance of those flat roads?—I have no doubt it does.

743. Have the contractors generally, that are employed, any capital of their own?—Some few; generally speaking, one of the great defects in the present law, is allowing a person who has neither capital nor skill, but who offers the lowest tender, to have the contract.

744. How would you propose to remedy that, by any change of the law?—I think the Presentment Sessions or grand juries should have an option not to take the lowest tender; that the previous character of the contractor, and his known ability, should be taken into account, and a discretionary power to the grand jury would be advantageous.

745. Do you think that the more frequent payment of those contractors who are not able from their want of capital to carry out the works, would create economy to the counties?—Yes, beyond question, as well as to be more satisfactory to all parties.

746. In what way would you propose to establish that more frequent payment?—I think the county surveyors, in all cases over 20 *l.*, should have a power to certify at certain times, say four times a year for maintenance contracts, and more frequently in cases of important special works, leaving a veto as to the final discharge to the Presentment Sessions and grand jury, and that the surveyor should not finally discharge except under their control.

747. Mr. *Henry Herbert.*] Did you say that where a regular application is made at a presentment sessions, the county surveyor could not refuse that application?—I believe that to be the state of the case.

748. I think it is considered as a dropped application?—Some sessions treat it so, but in other places it is acted upon differently.

749. Do you consider the law is peremptory upon the subject?—The law is very undefined with regard to it.

750. Does not the law allow the surveyor to treat the further application as if there had been none, and then bring in an application at the termination of the sessions?—In some cases the sessions will not listen to the surveyor; they act as if the law was quite specific and plain; they will not receive that application.

751. Do you consider that the law precludes them from doing so?—I do not consider it does so, for I recommend the rejection of improper or informal applications, and then make proper ones myself.

752. You propose an executive committee of the grand jury, or a finance committee of the grand jury?—I do; I think it would be very desirable.

753. Could not all the duties of that finance committee be performed by the treasurer?—No; there is another class of duties, for example, sudden damages both to bridges and roads, such as occur in mountainous countries; sudden damages to court-houses and county buildings. At present, if a pane of glass or a slate is broken, there is no means of having it repaired except by an ordinary presentment.

754. Cannot the damage to a bridge be repaired by a magistrate's order?—Yes, up to 20 *l.*; I am at this time suffering from damages of bridges in mountainous districts which are out of the way of the magistrates, and they will not take the trouble to go and see them.

755. Would you not be as badly off with a finance committee?—I think there

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ought to be a power in some other party to go and see it; besides, there should be a court of appeal. If a contractor has cause to complain of the county surveyor, I think there should be some means of deciding that.

756. I understood from Mr. Tate's examination, that the finance committee's duties in Dublin were entirely confined to the payment of sums, and they could not interfere in taking or refusing contracts?—It appears to me that it would be a very great loss to abolish the office of treasurer, but I certainly would increase the efficiency of the office.

757. Could not he perform the duties of a finance committee if he was authorized to pay on certificate?—There are the hearing of appeals; there are certain duties of the grand jury to be discharged from one assizes to another.

758. You said that certain damages to bridges could be repaired to the extent of 20 *l.*; by extending that, would not that effect the purpose?—Perhaps it would, to some extent. It is of great importance to place that increased power in some hands.

759. Are not the court-houses generally in the charge of the court superintendents?—I refer now to the county of Wicklow, and the grand jury will not allow 6 *d.* to be expended, except upon a presentment.

760. But no difficulty arose in Mayo or Waterford?—No.

761. With regard to giving conditional certificates, where those conditional certificates are given, and where the presentment of the money is made at the time when the work is ordered to be executed, does not the contractor then get paid each half year when the work is performed?—Certainly, so far as it is earned, and that the rules of the county admit such conditional certificates.

762. There is no delay in that case?—No delay; that is the case in the county of Waterford, but in other counties they merely make a contract and do not present any money until the work is executed and discharged and accounted for, and that account or discharge is the order for levying the money.

763. Have you ever heard in another county, of presenting for a year's work when the work was ordered, so as to keep them in employment?—Yes; that is the case in the county of Wicklow. Suppose a presentment made at the March Assizes for 50 *l.* for the maintenance of a road, at the Sessions in April I certify for the period between the assizes and the sessions, and the contractor is paid that amount at the following assizes; then at each subsequent sessions, half a year is certified for.

764. The portion that he is in arrear of payment is only the portion that elapses between the sessions and the subsequent assizes?—Yes, precisely.

765. Is it not the custom in works of magnitude to authorize the treasurer to make special payments up to three-fourths of the contracts?—Yes; in special contracts for bridges, and new roads and such like, when the amount is over 20 *l.*; but that is not done in maintenance contracts.

766. The heavy works are generally special contracts?—Yes.

767. Are not the roads generally taken in small portions?—Some are very large.

768. They do not run over 1,000 perches generally?—Generally not more.

769. You said you were aware of the surveyors' salaries having been varied in counties from time to time; have not the duties occasionally varied also?—The variation is always on the increase, and the alterations had no reference to circumstances of that kind.

770. Have not sometimes large works been undertaken, and the surveyor's duties diminished when those works were completed?—I never found that so; there is always a continuing increase.

771. Did you never find that to be the case where buildings were in course of erection?—Yes; for those special occasions, works for a short time might involve some more trouble; but generally speaking, for the ordinary county works, I think the tendency is always to increase the amount of duty.

772. If a large bridge, the contract for which was 6,000 *l.* or 8,000 *l.*, had to be built, that would require more of the surveyor's time?—Certainly; I found that at Cappoquin Bridge, also at Bray Bridge.

773. You said that in Wicklow your duties were augmented by the turnpike-roads?—Yes.

774. Have any turnpike-roads been thrown upon the county since you went there?—Yes; the entire of the Dublin and Carlow roads, which lies in Wicklow.

775. I think the roads on the eastern side were always on the county?—Yes, always;

always; the traffic is greatly increased in the mineral districts, and a great many roads have been obliged to be opened up to the mines, together with the maintenance of the new roads after the relief operations.

776. You said that the assistants should be appointed by the surveyor, and be subject to him?—Yes, I think so. If a special assistant is appointed it might be desirable to have him appointed by the Lord Lieutenant.

777. You would not subject the surveyor in any way to the grand jury?—I think his salary ought not in any case to be fixed by the grand jury; I think it is placing him in a condition of dependence which he ought not to be placed in. The surveyor has to come occasionally in contact with grand juries from whom he may differ, and I do not think it right that he should be put in the position to ask them to increase his salary.

778. Are not the surveyors the best judges of the work they have to do?—Yes. I think the grand jury should confer with the Lord Lieutenant, and in every way the grand jury should have control over the due discharge of the duty; but it appears to me that the discharge of the duty and the fixing of the amount of remuneration should be separate and distinct.

779. With a local knowledge they should know best the amount of duty he has to perform from year to year?—Certainly.

780. I think you said that you would not allow the grand jury the power of dismissal?—Not the immediate power; their representation should have the effect of a dismissal if the surveyor could not satisfy the Lord Lieutenant, or whatever authority the representation was made to.

781. Would he not be practically independent of the grand jury if they neither had the appointment nor the fixing of the salary, nor the absolute power of dismissal?—No; I think he ought to be obliged to keep a diary of the discharge of his duties, and I would hold him responsible for all his acts, and let the Lord-Lieutenant alone remove him on proper grounds.

782. But it would be the Lord Lieutenant, practically, that would hold him to the discharge of his duties?—No; the grand jury's representation to the Lord Lieutenant ought to be acted upon. I am aware that the dismissal by the grand jury has been a total deprivation of office.

783. Have you ever known of an arbitrary instance of the dismissal of a surveyor?—Yes, I have known of several; I never experienced it myself; quite the reverse; and so far as I am concerned, I don't object to any control, but on principle it appears reasonable there should be some appeal.

784. Do you not think that if the county surveyors were so independent of the grand jury, and any disagreement arose between them, practically, it would be impossible to carry on the county work?—I know it has a bad effect where any disagreement arises, and ought to be avoided.

785. The grand jury can refuse any presentment being made?—Certainly, except those specially imperative.

786. You remarked upon the great disparity of the number of overseers, and the mileage of roads in the several counties; where there are but few assistants, must not some men be paid in some shape or another to see that the contractor does the work?—Yes, but in counties where there are no assistants, that is very rarely resorted to; the surveyors make periodical visits once or twice a year, and certify or not that the party is entitled to payment. But I think the surveyors ought to try to aim at a better condition of the roads; that they should be not merely kept in repair for the periodical inspections, but from time to time, from month to month, and from one session to another, there should be a continuous precautionary maintenance; the public require that; they pay the money, and they therefore ought to have the roads in a very different state to what they are in most counties.

787. In one or two of those counties where there are no assistants, and in Roscommon where there are only two, is it not practically impossible for the surveyor to visit, even twice in a year, the whole of the roads?—He is supposed to do so, and I believe he does his best to do it.

788. Is it possible that he can do it so as to certify?—I think it is impossible; there are but two casual inspections at best, whereas it ought to be continuous.

789. You do not know whether the surveyors employ in an indirect manner, as in the county of Dublin, overseers?—I frequently do it myself; when a contractor fails, I have no alternative but to serve a 10 days' notice, and then employ another person,

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person, and that person receives the profit which the contractor would have had, had he executed the work.

790. Is that all he receives?—He receives a weekly payment as an overseer; I sometimes employ another contractor, and then he is paid as an overseer, he making all the outlay.

791. You spoke of arranging the counties in orders with different salaries; do you not think some inconvenience might result in promoting men from county to county; they would be leaving a county just as they had acquired a perfect local knowledge of it?—I know it is a great inconvenience to a county to change its officer; I think that ought to be avoided, as far as possible; at the same time, it has some beneficial results, that an officer who is deserving of promotion for various special reasons may have an opportunity of moving.

792. Do you not think that if it could be avoided, it would be an inconvenient way of giving a man promotion?—I think that if it could be avoided it ought to be; at the same time, I think any promotion which an officer is worthy of he ought to get.

793. The object of promotion being the advancement of salary, if that object could be met without removing him from the county, would not that be desirable?—Yes, certainly.

794. Mr. *Macartney*.] Have you ever classified the counties as to classes; how many classes of salaries would you make for Ireland?—I think about three classes, or probably more.

795. In making that calculation in your own mind, did you dissever from it the principle of allowing private practice?—I did.

796. What is your opinion as to the county surveyor being allowed private practice as well as being a public officer?—It has some advantages and some disadvantages.

797. Which are predominant?—I think an efficient officer is decidedly improved by allowing him to have private practice, provided it is not to a very great extent; he sees new improvements, and various things are suggested to him within the range of his practice, and he may be very much crippled in those things if he is confined to the ordinary routine of his duties. I think if he is allowed private practice, which the grand jury find does not interfere with his duties, the salaries ought to range from 300*l.* to 600*l.* per annum; 300*l.* for the smaller counties, and from that up to 600*l.*; and, if private practice be altogether prohibited, they should range, in the larger counties, to 800 *l.* a year.

798. To cover all his expenses?—I think he ought to have his travelling expenses also.

799. In the county of Mayo that would bring it up to what?—In the county of Mayo there are piers and harbours on the coast; there are various objects of local improvement still required there, and I think the surveyor of Mayo ought to have 500 *l.* or 600 *l.* a year.

800. Mayo has always been put in the first class counties for public officers?—Yes; at the same time there is not the same extent of work; the county is not of the same value; it cannot afford the same amount of work that the county of Antrim does; it is a poor county, and never can have an equal outlay with Antrim, Down, &c.

801. What amount of new works, either of new roads or public buildings, did you execute during the time when your plans and estimates were carried on under your own superintendence?—In all about 200 miles of new road were completed, at a cost of about 40,000 *l.*, and about 40,000 *l.* worth of bridges, and about 4,000 *l.* worth of sessions-houses and bridewells, and about 5,000 *l.* worth of piers on the coast.

802. Were the class of deputy or assistant surveyor which you had there competent to superintend in your absence any of those new works, either the roads, bridges or buildings?—Except in the case of new roads, measuring the quantity of materials and the size of drains and fences; but the designing of the buildings and roads, and laying them out, and the general supervision, were all done by myself.

803. In a large work, such as a new mail-coach road, or a large building in a county, has it not always been the practice that the county surveyor has a clerk of the works, a man of superior position to those assistant surveyors, in superintending them?—Yes, though the law has no express provision for it, and it was usual to employ such when necessary.

804. Did

804. Did not that form part of the original estimate of the work?—It did.

805. If the persons eligible for the class of deputy surveyors are employed; if a higher rate of salary is given, and a higher rate of attainments is required, do you not think there might be a great saving in that portion of the expense of new works, particularly where they have been carried on largely?—I think so; those are the special cases I allude to. In all those special cases, and even in large counties, for general purposes, one assistant, or possibly two assistants of that kind, would be a great improvement.

806. You mentioned that there was a great difficulty where the completion of works has been neglected by the contractor, with respect to the mode of payment?—Yes.

807. And you said that you would make it a uniform principle that the treasurer should always have money in his hands to pay for those works?—Yes.

808. Might not that be carried to such an extent that the pecuniary arrangements of the county would be upset?—I think not; I think the grand jury should provide means to have the works efficiently carried out, and that very little alteration of the law is necessary for the purpose; the existing county funds are generally sufficient.

809. You stated that the county treasurer should, out of the funds in his hands, pay for such works as the grand jury had ordered to be done?—Yes, precisely.

810. But you omitted the power of providing them?—Without going before the sessions, the grand jury are authorised to direct the treasurer to pay out of the general monies of the county for sudden damages of a special kind.

811. Provided those works do not exceed a certain sum?—There is no limit at all, but that power only exists where damages occur between the presentment sessions and assizes.

812. Do you mean to say that if the principal bridge of Belfast had cost 12,000 *l.*, the grand jury could make an order to build that bridge between sessions and sessions?—Yes; provided the treasurer had funds sufficient.

813. Under what clause is that?—The 38th section. The grand jury have done it in many cases in the county of Mayo, where no presentment could otherwise be made at the assizes, as the damages occurred after sessions.

814. What is the greatest extent that you have known upon a magistrate's order for work being executed to repair a sudden damage in a county, between assizes and assizes, without a presentment being first made?—Not upon a magistrate's order above the amount of 20 *l.*

815. Can you under this section do it?—Certainly. The grand jury made various presentments in Mayo to the amount of over 300 *l.* to me, and I executed the works, and accounted upon oath for it, and the treasurer advanced the money as I went on.

816. There are certain works which the grand jury have the power of enforcing upon a presentment under the provisions of a separate section in the Act, from the 6th and 7th of William the 4th; do not they enforce the treasurer to pay for a certain amount of that work out of the funds in his hands?—Yes; that is by a subsequent section.

817. That is done upon the certificate, or recommendation usually, of the county surveyor?—The special enforcement is to authorise the treasurer to advance upon the certificate of the county surveyor.

818. That is usually at his recommendation to the grand jury?—Yes.

819. The grand jury are not in the universal practice of enforcing those works for maintenance?—Except in the case of the county of Sligo, and there they make a universal order at each assizes, that the treasurer shall be authorised to pay out of the funds in his hands, in every case where it amounts to upwards of 20 *l.*, three-fourths of the money.

820. You stated that there was a different practice in different counties, as to the mode of making presentments and getting money?—There is.

821. In some counties they have a certificate of the work being completed before they make the presentment, have they not?—Certainly, before they levy any money.

822. Then do you mean to say that, if according to the provisions of the 6th & 7th Will. 4, the grand jury at the presentment sessions have decided that a work is to be done for 500 *l.*, the grand jury suspend the voting of the money on the levy at the assizes, when they make the presentment, until at a subsequent assizes the work is finished?—I believe that relates more especially to maintenance contracts;

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contracts; I believe, in special cases, such as new roads and bridges, the levy goes on concurrently with the presentment; but in cases of the maintenance of roads, they do not levy any money until the work is executed and accounted for.

823. Are you of opinion that is in strict compliance with the law?—It appears to me to be the very contrary; and where it exists, I do not see how neglected roads can be repaired by the surveyor for want of funds.

824. Can you name any counties where that is the practice?—Wexford, and, I believe, in Cork and Kerry.

825. You stated that you would have the salaries fixed by the Lord Lieutenant?—Yes.

826. And also that you would deprive the grand jury of the power of immediate dismissal?—Yes; I think the grand jury ought to be empowered to require the removal of the officer from their own county.

827. What wholesome control do you conceive the grand jury would have over the county surveyor, if he was the servant of the Lord Lieutenant?—The presenting of his reports and his diaries, and showing them how his duties were discharged.

828. Assuming that they are not satisfied with him, and they report to the Lord Lieutenant that they wish him removed?—Then I would say, that upon that representation, unless he showed good cause to the contrary, he ought to be removed forthwith; but that removal ought not to deprive him of his office generally.

829. Have you ever known of a county surveyor appealing to the Court of Queen's Bench against a recommendation of the grand jury recommending his removal?—No; but I have heard of an appeal to the Lord Lieutenant, and the Lord Lieutenant appointing him to the same county; that was in the county of the town of Galway.

830. Have you ever heard that in the county of Louth, there was a removal?—I did not hear the circumstances.

831. It was a matter of public record that the county surveyor appealed, first to the judge, and afterwards to the Court, and that the decision appeared to be different to what you find the statute gave the grand jury the power to do, because the mode of removing an officer was by reduction of salary, which the Court decided that they had full power to do?—I am not aware.

832. I think you stated that you would make the surveyors also the parties to nominate the deputies?—Yes, upon the ground that I would hold them responsible for the due execution of the work in the most stringent manner.

833. Do you not think that that might be attended with very great inconvenience where magistrates and gentlemen of the grand jury reside on the spot, and take great pains to look after the works, and aid and assist the county surveyors in the execution of their duties?—It might in some cases; generally I do not think it would.

834. Do not you think that it would be a much better principle that the county surveyor should apply to the grand jury, and that they should have a veto upon those officers who are paid out of the rates which they are to raise?—I do not think so if you place the responsibility upon the surveyor. If the grand jury share the responsibility with the surveyor I would give them a veto.

835. You stated that the deputies in Mayo were inefficient?—Yes.

836. Were they nominated by yourself or by the grand jury?—By myself; but they were parties who happened to be contaminated, falling into the meshes of artful contractors, and became dishonest. I applied to the Lord Lieutenant to remove them, and the Lord Lieutenant refused, and referred me back to the grand jury.

837. And did the grand jury refuse?—No, but in the mean time I could not act with those assistants, and I lost the benefit of their services.

838. To what extent would you increase the salary of the deputies?—I think they need not exceed somewhere about 80 *l.* per annum; generally speaking, they are in a very wretched condition at present, and subject to temptation.

839. Supposing you got a class of men at 120 *l.* a year, which would enable them to keep a horse, do you conceive that, combined with a system of having means to pay four or six times a year, a very considerable saving would be made upon the present system of presentments by contractors?—I do not think it is necessary to go up to that high grade; I think that having a greater number, with a constant surveillance of the principal, would effect a very great improvement, and very considerable saving in the presentments.

840. Are

840. Are you not aware that, under the present system, generally speaking, contractors almost invariably have a per-centage for raising money, in the absence of the money in the county?—I have no doubt; and for incidental expenses of another kind.

841. Could you approximate to a per-centage on the amount that might be saved, if the system were different?—I have no doubt from 15 to 20 per cent.

842. That would be saved by an improved system of deputies?—I think so.

843. Under the old Act of George the 3rd, there was a system of surveyors' wages of 1 *s.* in the pound?—Yes.

844. Have you any recollection of what was calculated to be saved by the new system?—I do not exactly know the amount; I know it was very large.

845. The present system is very nearly tending to that, though not legalising the amount of 1 *s.* in the pound to the overseer?—Yes, it is.

846. Is it possible for a county and district surveyor strictly to comply with the law, in granting certificates for works of maintenance executed in a large county, and to inspect the works so as to satisfy his own mind?—I do not think it is. In my own case, I examine the works previously, as frequently as I can, and then from the immediate reports of my assistants I am able to judge.

847. You depend upon your own previous inspection, supported by the subsequent report of your deputies?—Yes.

848. Mr. *Macarthy.*] Would you suggest that the Lord Lieutenant alone should have the power of dismissing the county surveyor, or do you think that the grand jury should have the power of dismissal, subject to an appeal to the Lord Lieutenant?—Probably a recommendation, or a reference from the grand jury, so as to remove the officer from their county.

849. There is a distinction between the power of dismissal resting with the Lord Lieutenant, and the grand jury having the power of dismissal, subject to an appeal to the Lord Lieutenant?—I think that probably might be a better modification; but it occurs to me, that in any case, the grand jury should not have a power of absolute dismissal from office without an appeal to the Lord Lieutenant; removal ought to be sufficient.

850. You think it would answer your view of the subject, if the grand jury had the power of dismissal, but subject to an appeal to the Lord Lieutenant?—I think it would answer all the purposes, probably.

851. I understood you to say that there were occasions upon which the grand jury had increased the salary of the county surveyor?—Yes.

852. I also understood you to say that the grand jury in the county of Mayo did not find it in their power to increase your salary directly, and were obliged to do it indirectly?—Yes, on several occasions.

853. Why were not they able to increase your salary directly?—The law gave no power to present more than 300 *l.* per annum, and in order to meet the indirect expenses, they took an indirect mode of remunerating me.

854. The grand jury cannot increase the salary beyond 300 *l.*?—No; not under the present law.

855. Mr. *Henry Herbert.*] You described in the beginning of your examination the rapid mode in which the roads in the county of Mayo had been got into order. I think you said that, between 1836 and 1844, the roads from being nearly impassable, became in very good order?—Yes.

856. May I conclude, then, from that statement, that with your experience, you consider that the law, though defective in some details, is on the whole, a good one?—It has been highly beneficial as far as it was practicable to work under it; I think that the most beneficial results have followed from the present law; I have no doubt of it.

857. Is it your opinion that we should rather look to an amendment of the present law, than to a total change in the grand jury system of Ireland?—It appears to me, that with some slight popular modifications in the Presentment Sessions, you will never adopt any law that will work more efficiently or cheaply than the present one; that is, with the suggested improvements that I have alluded to to-day.

858. You describe the great difference that exists in the proportionate number of assistants in different counties?—Yes.

859. Can you state whether there is a proportionate difference in the condition of the roads in those counties?—I think I may say that there is; I happen to know

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know a good many of the counties of Ireland, and I think that the counties that have assistants are decidedly better than those that have not.

860. Do you think that they are proportionately better; do you think, for instance, that Antrim, where there are 12 assistants, is so much better than Kerry, which only has four?—I cannot speak of either, for I do not know the circumstances.

861. Take Roscommon, do you think there is a proportionate difference between the state of the roads in Antrim and Roscommon, as represented by the figures giving the number of assistants?—There are other circumstances that affect that question; for instance, Antrim is a manufacturing county, and has a great traffic, while Roscommon is not a county of much traffic; it is chiefly a grazing county, and it does not require the same number of assistants as Antrim; with the exception of a few leading thoroughfares, the roads have no heavy traffic.

862. Can you state the salaries of the assistants in Antrim?—I believe the salary is 50 *l.*

863. *Chairman.*] Two plans have been suggested with respect to the assistants; one that they should be a staff at the disposal of the county surveyors, and the other that they should be established locally; which of those two plans do you think would be the more advantageous for the public service?—It appears to me that to have the assistants under the control of the county surveyors would be most conducive to the public benefit.

864. You think that they should be available to the county surveyors to be sent anywhere, and that they should not be localised?—I think that they should be localised.

865. The two plans are these: the one that the counties should be divided into districts, and the assistant surveyors allocated to particular districts; and the other that the number of assistant surveyors established for the county should be at the disposal of the county surveyor, to be sent when and where he pleases?—I think that he should have the power of removing them from district to district, but it seems to me that each person should be located in his own district.

Martis, 4° *die Augusti*, 1857.

MEMBERS PRESENT.

Mr. Cooper.	Mr. Macartney.
Mr. G. A. Hamilton.	Mr. Macarthy.
Mr. Henry Herbert.	Mr. Magan.
Mr. Lygon.	Lord Naas.

GEORGE ALEXANDER HAMILTON, Esq. IN THE CHAIR.

Mr. *Henry Stokes*, called in; and Examined.

Mr. *H. Stokes.*

866. *Chairman.*] OVER what county do you preside as county surveyor?—The county of Kerry.

867. When were you appointed?—In May 1834.

868. Are your duties in connection with that county extensive?—They are very heavy indeed.

869. Will you state generally to the Committee what those duties are, and how far you are able to discharge them by yourself or through assistants?—The principal duties are superintending and keeping the roads in repair. Up to 1842 there was a very heavy duty in superintending the making of new roads; since then the duties have been confined to the finishing of those roads commenced under the Labour Rate, and in superintending the maintenance of the roads. The assistants

assistants generally do the minor duties of looking after the measurement of the materials and small works, such as gullets and foundations, and things of that sort; and where there are very good contractors, and I know the roads to be good from occasional visits, I take the report of the assistants as to whether a good repair of the road goes on; but where we find a contract beginning to be neglected, I take care to see it myself, so that in hardly any case do I refuse a man's money unless upon my own inspection.

870. You do not consider it a necessary part of your duty to examine every part of a county work yourself before payment is made?—I do not think it necessary or possible.

871. In the county of Kerry were not a great number of important roads made by the Board of Works?—Yes.

872. Are they now under your supervision as county surveyor, and maintained at the expense of the county?—Yes.

873. Were the relief works as regards roads in the county of Kerry very considerable in the time of the famine?—Yes.

874. What is the increase of your mileage since the period of 1834, or arising out of Government roads and relief roads being thrown upon the county?—We commenced in 1834 with about 420 miles, and I found that the greater portion of the rest of the presentment roads were maintained by what they called small presentments; that is, a few perches here and there to repair what was pressing, and I induced the grand jury and the ratepayers to adopt the system of period contracts almost all together, and the result was that in seven or eight years we had 900 miles of contract; then new roads were being made at the same time. The great bulk of these were made before 1842-3, so that in 1843 I think we had very nearly 1,200 miles. In 1844 we had 1,218 miles, and in 1854 we had 1,420 miles.

875. Can you state what the expense of maintenance per mile, at those respective periods, in your county was?—£. 6,280 in 1834; 8,328 *l.* in 1844; and 11,963 *l.* in 1854.

876. That is to say, the statement contained in this table put in you find to be correct as regards your county?—I believe so.

877. In the year 1834 it appears you had no assistants, and in the year 1854 you had four assistants?—Yes.

878. Can you state the expense of supervision at the period when you had no assistants, and at the period when you had four assistants, including your own salary?—In the year 1834 I see we have made no record, but it must have been a good deal under five per cent; in 1844 it was 5·83, and in 1854 it was 5·23. I know it is less than that a great deal now, because it has decreased since 1854.

879. It appears that, notwithstanding the increased number of assistants, the actual per-centage of supervision has diminished?—Yes.

880. Have any harbours or piers been thrown upon the county, and placed under your supervision, by the Act which was passed two years ago?—There have been a good many made, and under the Act that passed in 1854 there were ten thrown off the supervision of the Board of Works, and put on the county.

881. Are those piers in positions in which they require much attention to guard against damage?—They are.

882. Are they exposed?—No, very few are exposed to a heavy sea.

883. What is your system of supervision with reference to those piers; do you inspect them yourself periodically, or have you assistants?—I inspect them whenever I go near them, and the assistants inspect them also. There is a harbour constable appointed by the grand jury, who resides upon the spot.

884. And it is his duty to report to you if there is any damage?—It is his duty to report to me if there is any damage.

885. Your salary, I presume, is 300 *l.* a year, fixed by the Act of Parliament?—Yes.

886. Are your necessary outgoings considerable?—It costs me 150 *l.* a year.

887. Do you mean to inform the Committee that your actual net emolument for discharging the duties of that large county is not more than 150 *l.* a year?—That is all.

888. Do you find the present system of supervision by assistants to be a good one?—I think it is.

889. Are there any improvements that you have to suggest?—It might be

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desirable in the larger counties that we should have one of a better class as a real engineering assistant, if the grand jury think it necessary.

890. Do you find that your assistants are sufficiently educated and trustworthy for the situations which they fill?—The difficulty is to get a trustworthy man, that is the qualification that is the hardest of all. We have endeavoured to get the most trustworthy. The qualifications are no more than are necessary for a good overseer.

891. What class of people generally speaking are they; do they devote themselves exclusively to the county business, or do they follow other business also?—They follow other business also. Two of them have some ground, the other two have not, and they act as overseers occasionally for other works that I have on hand for private individuals.

892. What guarantee or assurance have you that when the assistants have their own business to look to they will attend properly in supervising the works of the county?—I take care they account for themselves; I make them account to me, and I give them enough to do.

893. They have in point of fact duties which will employ their time exclusively if they were properly discharged?—For the salary they get I think it will be very heavy, and very hard to require them to give their entire time.

894. Do you think it is a good plan to employ a man partially in supervising or conducting public works, not having the command of the whole of his time?—I have the command of what time I want; they must give that.

895. Do you consider that the present system is better than a system which would give you the disposal, by fixing an adequate salary, of the whole of the time of your assistants?—No; I would much rather have possession of his whole time and pay him accordingly.

896. Do you consider such a change in the law, with reference to the salary of the assistant surveyors, would be attended with economy, as well as a better supervision of the works?—I am sure it would.

897. Mr. *Henry Herbert.*] You stated your travelling expenses to amount to 150 *l.* a year, do you mean to convey to the Committee that you would recommend that sum being allowed to a county surveyor in such a county as yours?—Either allow the actual outlay, or increase the salary in proportion; I think that would be only fair.

898. Do you not think there might be an inconvenience in allowing any sum under the name of travelling expenses, at the discretion of the grand jury?—There might, indeed; I do not doubt but there would; it would be much better to let the surveyor have a salary that would be struck or allowed in proportion to both the duty and the expense, so as to take him from any clashing with the grand jury.

899. You think that a county surveyor would be more thoroughly independent if the consideration of his travelling expenses was taken at the time of fixing his general salary?—Very likely he would, though I am not a bit afraid; I would not be anxious to be independent of the grand jury.

900. Do you not think cases may occur where it is very desirable that the county surveyor should be thoroughly independent of the grand jury as regards any pecuniary claims he may have on them?—As a general rule it would be, certainly.

901. What amount of salary do you propose to give to those assistants?—I am sure if you added as much as would pay up all their travelling expenses, we could command their whole time.

902. Have you made any estimate of what that would be?—It would go very nearly double; very near 100 *l.* a year I should think; I should say 50 *l.* a year for expenses.

903. Then you recommend an increased power to the grand jury to raise the salaries of the assistants to 100 *l.* a year?—Yes, as a maximum; that is my recommendation.

904. Are you prepared to state to the Committee what you would consider to be a fair amount of salary for the surveyor himself?—At least 600 *l.* a year.

905. That is including all travelling expenses?—No; I should think he ought to get a certain sum to pay his travelling expenses besides.

906. You think in your own county, or in a county like yours, you ought to have 750 *l.* instead of 300 *l.*—Yes.

907. Mr. *Magan.*] You say the assistant ought to be allowed 50 *l.* a year for travelling expenses?—I say at present his pay is too small, and his travelling expenses,

expenses, I should think, judging from the class of men I have, would be from 30 *l.* to 40 *l.* If they had 100 *l.* a year for all, I am very sure they would be very well satisfied, and work more efficiently than they can be expected to do now.

908. I understood you to say that the salary was 50 *l.* a year, and was all spent in travelling?—No, I did not say it was all spent in travelling, but they spend the greater part of it.

909. Do you think those assistants ought to be of the class they are now, or a better class of people?—I think the greater number of them ought to be the class they are, but that in large counties it would be desirable to give the grand juries power to allow one assistant of a better class.

910. You would not wish to see all the assistant surveyors of the class of men that were looking for county surveyorships?—Certainly not.

911. Do you think such a class of men would be perfectly useless as assistants?—I do.

912. Their duties now are more in the nature of overseer's duties than anything else?—Almost entirely.

913. If there is anything scientific connected with any work that they are doing, you take care to look after it yourself?—Precisely.

914. Mr. *Cooper.*] Do I rightly understand you that you have four assistants at present?—Yes; since 1854 only.

915. And they have 50 *l.* each?—Yes, 50 *l.* each.

916. And they do not apply the whole of their time to their duties as assistant surveyors?—They do not.

917. Do you think that three paid the 100 *l.* a year you propose, would do more work than the four in the present state of affairs?—About that.

918. You compute that it would cost the county 100 *l.* a year to have the thing much better done?—Just so; except this, that we do require a very large number of eyes to see many places at the same time, and the lesser number we have at times, the worse the business will be done.

919. Mr. *Macartney.*] Do you consider that the class of men you employ, or that you would employ under the increased salary, would be able to pay the expense of keeping a horse to move them about?—That is just what I calculate.

920. Would that not enable them to do a greater amount of supervision than they can now, being obliged to walk?—Just so.

921. You said that you thought the remuneration of a county surveyor of such a county as yours, which is a first class county, should be about 600 *l.* a year and his expenses, and you have said your expenses on the average are 150 *l.* a year?—Yes.

922. In making that calculation do you make it as if giving up your whole time to the public service?—I think I give as much time to the public service as the public have any right whatever to expect.

923. If we engage a man to perform a certain amount of work, and we conceive it will take a whole year to do it, how would you draw a distinction; at present I am aware that you are employed by the public to do private work, that, of course, is with the sanction of the grand jury?—It is.

924. And you would not be continued by the grand jury if that interfered with your public duty?—Just so.

925. If the Legislature were to conceive that they were right in having the entire services of a county surveyor, do you conceive that for a first class county, with the duty you have to perform, 600 *l.* a year would be sufficient, with all travelling expenses, to secure those services?—I am sure when they engaged a man and offered him that pay, and said it should be for his entire time, they would not say that the time should be 13 or 14 hours a day; and if a man chooses to work in that way it is very hard to fetter his industry.

926. Some people are of opinion that the additional hours a man takes for private business renders him less effective for the eight or ten hours upon public work?—Except in this way, as he goes upon the public business he can do the private business, and as he goes upon the private business he can do the public business.

927. Then would come the question of how far putting the whole of the travelling expenses at 150 *l.* a year, it would be just and equitable to charge the whole of that against the public service?—It would not be equitable.

928. The grand jury of course has no objection to your following private practice?—Not the least.

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929. Is your private practice considerable in that county?—It is about equal to my salary.

930. Have you been employed upon any extensive architectural designs and buildings for country gentlemen?—A very few.

931. Have you been the designer and carrier out of any large public buildings at the cost of the county since you became county surveyor?—Of one small district court-house.

932. The public buildings, and gaols, and court-houses, were all complete before you came into the county?—Yes.

933. And they are kept in repair by your estimates?—Yes.

934. Have you made any additions to the public buildings?—Some small additions; not very large.

935. Is the gaol very large?—No; it is calculated, according to law, for 120.

936. How many bridewells have you?—Nine.

937. Are those all under your charge for keeping in sufficient repair, and any besides that are required?—They are; they have scarcely wanted anything until now. The last year we have got an Act of Parliament which puts them all under the surveillance of the Board of Superintendence of the county gaol, and their local inspector.

938. You mentioned that you thought the county surveyors ought not to be free of the control of the grand juries?—No; I did not say any such thing.

939. Is it your opinion that the control of the county surveyors, and the appointments and remuneration by salary, should all emanate from the Lord Lieutenant, and not from the grand jury?—I think it would be very desirable that the county surveyors' salaries should be fixed according to the duty, and I see no better way of doing it than to leave it to the Lord Lieutenant all over Ireland as to the amount in proportion to the duty, mileage, &c., but as to dismissal, I would certainly leave the law as it stands.

940. With the grand jury?—Yes, as to dismissal.

941. Supposing that the Lord Lieutenant was to have this power of fixing the salary, calculating it upon what he may be told is the duty to be performed, might not the grand jury and the Lord Lieutenant very soon come into a collision upon a very important matter for the benefit of the ratepayers?—I am very sure the largest element in the Lord Lieutenant's calculations would be got from the grand juries.

942. You would give the control to the Lord Lieutenant first, having the authority of the grand jury as to what was to be the duty. Virtually, that would be putting the grand jury as the parties to say what the duty was?—It would.

943. *Chairman.*] Can you state the mileage of the roads which your assistants have to superintend in the county of Kerry?—About 350 each.

944. Do you consider that that is sufficient to occupy the time of one assistant at present?—It is. I think he can do it very well.

945. Does he usually require a horse to enable him to supervise that quantity of road?—Yes, he does.

946. Mr. *Henry Herbert.*] In your answer to me just now, with regard to the independence of the county surveyor of the grand jury, I understood you to allude to the fixing of the salary, and not to the power that exists with the grand jury to dismiss the county surveyor?—That is what I meant.

947. Do you see any objection, instead of leaving the salary to be fixed by the Lord Lieutenant, to the counties being classified, and the salaries of the county surveyors being fixed by Act of Parliament?—No, I do not; it would nearly come to the same thing, because the grand juries would have the power of expressing their opinion upon it before that classification would become law, I take it.

948. Assuming that classification to become law, would not it obviate any danger of clashing of opinion between the Lord Lieutenant and the grand jury, as regards the salary?—Of course it would.

949. Do you apprehend any danger to the independence of the county surveyors by leaving the power of dismissal in the hands of the grand juries?—Not the least; I am sure you will never have a good feeling between the surveyor and the grand jury unless you leave them in the relation of master and servant, and when the servant is trusted he will have a zeal for the public service.

950. You think the pressure of public opinion upon grand juries will be sufficient protection to any county surveyor from being dismissed by the grand jury without cause?—Quite enough.

951. *Chairman.*]

951. *Chairman.*] Does your experience warrant you in arriving at that opinion?—It does.

952. You underwent, I presume, a preliminary examination previous to your appointment?—I did.

953. That examination being before certain members of the Board of Works at that period?—Yes.

654. Was it an elaborate examination?—It was.

955. Do you consider that it would be advisable to place the examination of candidates for the office of county surveyors or assistant surveyors upon any different and improved system?—The higher you raise the qualification of the county engineer the better. As to the examination of the assistant, I am sure the examination that has been adopted is quite sufficient.

956. Would it in your opinion be advisable to apply the system of competitive examination to the county surveyors?—I am sure it would.

957. That is to say, when the office of a county surveyor became vacant, that office should be opened to public competition, and the best man should be appointed surveyor?—Precisely; but that there should be a number of parties ready, because it will not do to wait a long time for the examination; there should be a list of men ready prepared for the selection to be made from.

958. Do you think it is a desirable plan to have a periodical examination, and to have a list, as at present, made out of persons according to the order of merit?—It would be the best way certainly.

959. Do you contemplate that the Lord Lieutenant, who you think ought to have the appointment, should be bound to appoint in the order in which those parties were returned by the examiners?—That would be the fairest way.

960. Is there any objection arising from the uncertainty when vacancies take place, or from having a list of gentlemen returned as qualified in a certain order, but without reference to the period when they will receive their appointment?—It must be. You cannot help having such a list, because it would be highly inconvenient to have any time elapse between the vacating of the office and the new appointment. You must have the parties ready.

961. Do you say that the only alteration you would suggest in the present system is, that publicity should be given to the period when examinations are to take place, and also the nature of the examination, and that a list should be returned in the order of merit to the public?—I always understood that there was publicity given. There was abundant publicity given in 1834. I do not see anything to warrant giving publicity to the course of examination; but certainly publicity ought to be given to the passed candidates, but not to the rejected candidates.

962. Are you aware of the system adopted now at Woolwich in reference to competitive examination there?—Not exactly; but I believe it is considered as the very best system that can be devised.

963. You see an objection to the names of the unsuccessful candidates being given forth to the public?—Their names and their standing.

964. Do you see any objection, supposing no names are given to the public except the names of the successful candidates, that the number of the unsuccessful candidates, and the number of marks they may have obtained, should be given to the public?—I see no advantage in saying anything at all about the unsuccessful candidates.

965. Does not it appear to you that there is an advantage in an unsuccessful candidate having an opportunity of judging by seeing a paper of that kind, in what respect he was deficient?—You might let him see it if you like.

966. Do you see no advantage in letting the public have an opportunity of judging?—None; if I were unsuccessful, I would much rather it were put out of sight.

967. Are you aware of the nature of the examination which the assistant-surveyors do undergo at the present time?—Yes, I am; it is practical almost entirely: a simple knowledge of arithmetic and mensuration.

968. Where is that examination conducted, and how?—Some of my assistants were examined in Dublin by the Board of Works, and some were examined by a commission from them to several perfectly qualified officers of theirs, resident in the country, to save the expense of those poor men going to Dublin and back again.

969. And you consider the present examination sufficient for that class of persons?—I know it is.

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970. At present there is an unpaid Board of Examiners?—I believe so.

971. Do you consider it desirable that the Board of Examiners should be paid or unpaid?—The men that were selected, I believe, were quite indifferent whether they were paid or not; but as a general rule I suppose it would be better to have them paid.

972. You have read the Report of the Commission of 1842?—I have.

973. Do you consider that the plan recommended there, of district surveyors, is not so good as the plan you seem to lean to of continuing the present system of county surveyors with assistants?—I am sure it is not, and there is hardly any second opinion upon that.

974. Will you just state the grounds upon which you have arrived at that opinion?—The district surveyors were to have several counties; there were to be four, as well as I remember, for Ireland.

975. There were to be four general surveyors, and the counties were to be divided into districts with a surveyor-general in charge of each district?—Yes; he would then require not only to be an overseer, but an engineer; he should do overseer's work.

976. You think that would mix functions of a different character?—Yes, which would not work well.

967. Under the existing law there are no means of providing for a county surveyor who becomes incapable of discharging his duties from age or from accident?—There is not.

978. Do you consider that the law requires to be amended in that respect?—Yes, I do; I think they deserve superannuation much better than those officers who get it, from the nature of their duties being so much more tending to wear out a man's constitution.

979. Are you aware of any instance or instances in which the public may have suffered in consequence of the want of the power of superannuating a county surveyor?—There have been two or three, I believe, and in one case the grand jury has been obliged (I am sure very reluctantly), to dismiss a man who was totally incapable; I believe he is alive still, and I suppose he has little or nothing to live upon.

980. Can you state whether his incapacity arose from the nature of his duties, or from his exertions as a county surveyor?—I am not sufficiently acquainted with the case to say that; but I believe it was just from breaking down from old age.

981. You have had considerable experience with respect to the grand jury law, with reference to county surveyors; can you suggest any deficiencies in the existing law, and if so, can you suggest any remedies for those deficiencies?—I would be most anxious to see all cash payments taken out of our hands; and I am in favour of the Bill of this session which has just passed to make the county treasurer the paymaster-general.

982. You think Mr. Magin's Bill an improvement, so far as it goes?—Yes.

983. And you would be glad to see the principle of that Bill carried out?—Yes, in so far as that.

984. Have you the command of funds to any large extent in the county of Kerry?—No, not very large; as yet it has not exceeded more than from 450 *l.* to 500 *l.* a year; but it is increasing every day, according as our contracts come within the operation of the 54th section.

985. Are funds available, under the present arrangements of the county, for repairs of that description, under the 54th section?—They are nearly all now; in the year 1854, I succeeded in getting the grand jury to make presentments for the time to come, when accepting the contracts; and in the year 1859 all our contracts will have come under that system; and the money is raised for the ensuing half-year, or the current half-year, as the case may be. Then there are funds to draw upon. The only objection is, that the surveyor is obliged to provide cash pending the assizes, and be paid at the assizes; and he is obliged to be paymaster of his own men.

986. That shortens the period within which funds are found, but it does not supply funds to the county surveyor at once for the public work?—It does not supply funds at once; it makes the surveyor personally responsible for the amount himself, until the assizes come on.

987. How do you suggest that that deficiency should be amended?—I would empower the grand jury to create a fund, which we might call a general purpose fund

fund, for that expression is in the law already; and upon that fund to allow the surveyor to draw, by making returns to the treasurer.

988. Do you propose that the grand jury should have the power of presenting money without reference to the particular works for which that money might be presented?—Precisely; merely to get a fund in the bank, if it should turn out upon a declaration of the account by the chief remembrancer that there is no balance afloat.

989. A contingent fund?—A contingent fund.

990. Is there any defect in the present law, as regards getting rid of improper contracts or contractors?—There is; it would be a very great object if we could have a short-cut way of getting rid of the liability to bad contractors; I would give a power to the magistrates at petty sessions to fine at once, on a summons being issued against a bad contractor, and the case of default proved.

991. What is the difficulty under the existing law of annulling a contract, where the contractor is proved not to have performed, or to be incapable of performing his duty?—It has been held that though you may recover on the bond, you do not break the contract; and then, as long as a bad contract is in existence, or the time has not expired, we are liable to have a bad road. We cannot get a good contractor until the bad one is got rid of.

992. There is a power under the existing law, to a country surveyor, by a certain process to obtain the charge of a road which the contractor has not performed, is there not?—There is.

993. Is it the case that a surveyor, having acquired the charge of a road under those circumstances, may be still held answerable to the contractor for the amount of the contract which he had made?—He may.

994. Have you ever heard of any instances of litigation arising out of that view of the law?—I have.

995. Then you consider that it would be desirable that where a contractor is proved to have broken his contract, or not to have performed it in a certain time, there should be a power somewhere of completely annulling it?—Yes.

996. Thereby relieving the country surveyor from any liability when he has undertaken it?—Yes; and relieving the country of a bad contractor.

997. You consider the law is defective in that respect at present?—Yes.

998. Mr. *Magan.*] That arises, in a great measure, from the fact of your being obliged to take the lowest contract, knowing the man's character to be bad?—Yes; and to meet that, I propose that we should have a maximum and a minimum, between which only tenders could be received.

999. You think that would be a good plan?—Yes.

1000. *Chairman.*] Have you known of any instance of injury to the public interest with respect to roads, from the non-attendance of magistrates at the road sessions?—Yes, constantly.

1001. Is there any defect in the law with reference to the powers of county surveyors to protect public roads from injury?—Yes, there is.

1002. Will you state what it is?—It is almost impossible to prevent nuisances being created in the way of digging away the sides of the roads, and making fences. I propose to make the adjoining landholder responsible for any such injury along his land; that would be a very simple way of preventing it.

1003. Do you think the proprietor or holder of the adjoining land ought to be responsible for injury done to a public road, without his knowledge?—No; if it was done without his knowledge, they would hardly fine him; but such a case would never arise.

1004. Is there not at present a power of fining a landowner for damage done to the road, with his cognisance?—There is, if you catch him; but he will take care you shall not.

1005. How would you provide against that difficulty by amending the law?—When a road is injured, I would call upon the owner of the land adjoining to account for it, and if he could not account for it I would punish him.

1006 Would not that involve you in the difficulty of punishing a man for what might have been done without his knowledge?—No; he must know it.

1007. You would assume in the law that it was done with his knowledge?—Yes.

1008. Do you think that would be a just principle of law?—It might be considered a hardship, I admit.

1009. Is there any defect in the law with reference to the power of contractors

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to obtain materials?—There is. It sometimes happens that they want to pass through lands; and as the Act reads now, they have no power to pass into any land, unless for the purpose of raising materials and carrying them away.

1010. Have you found that to operate injuriously to the interests of the county?—Very often.

1011. Have you any other suggestions to make with regard to the deficiencies or the means of amending the existing law?—No, I do not think I have.

1012. Mr. *Magan.*] You said that there was no means of protecting roads from injury; are you acquainted with the 18th clause introduced into the Act of last year, the 19th and 20th of Vict. c. 53?—There is the same difficulty there of proving the case.

1013. Are you not aware that that gives you the power to withhold the certificate from the contractor till he does prove the case?—But he cannot prove the case; the landowner will take care that he will not let him see him commit the injury.

1014. With regard to the period at which you would have these examinations for county surveyors take place; do you suggest that that examination should take place when a vacancy occurs?—No, but periodically, so as to keep up a sufficient list of well qualified men to draw upon the moment a vacancy occurs.

1015. And out of that list you would give a qualification to only one man, no matter what the numbers were?—Out of that list you would make the appointment when a vacancy occurs.

1016. At the period of the examination somebody would be selected as qualified?—More than one, in all probability.

1017. Would you consider that the being so selected would give each of the persons a right to an appointment in his turn?—Yes.

1018. And you would never have another examination until all those men were provided for?—Until the list was so nearly exhausted as to make it uncertain whether it would be full enough if a vacancy occurred; I would always keep three or four on hand.

1019. Mr. *Cooper.*] You spoke of the examination of candidates, and I think of the examiners; what are the subjects that you think a county surveyor should be conversant with to execute his duty properly; what are the principal heads?—The principal qualification would be a thorough knowledge of engineering works. Following that, of course he must have a very good scientific education; he should know geology. He should, in point of fact, be, as I may say, a highly educated man, having very important duties to perform, and very great responsibilities to meet, and to deal with the leading people of the country.

1020. Do you conceive that he ought to have architectural knowledge, and also an ordinary knowledge of measurement, that is, generally that of a builder?—Yes, he should be a good architect, certainly.

1021. Are you aware that in your county some of the roads have actually traversed through iron mines or grounds producing nodules of iron?—I have seen a good deal of them.

1022. They are not worked, I believe?—No, they are not worth working.

1023. Have the nodules been examined?—Yes, carefully; there is a little tail of a coalfield running in that has some beds of clay ironstone.

1024. You have heard that in the county of Leitrim there are very good iron mines, and that the iron is principally got from those nodules of iron?—Yes.

1025. And do you conceive from what you have heard, that they are very superior to those to be found in Kerry?—Indeed they are.

1026. In speaking of contractors and cash payments, do you think that it would be advisable that there should be a power of paying contractors more frequently?—It would; you would have men to bid cheaper and to work cheaper by getting prompter payment than twice a year; we pay them twice a year.

1027. In what mode would you propose to establish a fund for that purpose?—By raising, and having on hand a sufficient sum of money to draw upon from levy to levy.

1028. You are aware that in the case of some of the presentments that are made, they are presentments on account?—They are presentments for work to be done; they are all presentments for work to be done.

1029. I do not speak merely of the roads; but for instance, for hospitals and for gaols there is a certain sum of money, a lump sum constantly presented in anticipation?—For work to be done, for wages to be paid.

1030. In

1030. In the same way that you would propose that there should be a fund established for the payment of contractors more frequently?—Yes.

1031. You must be aware that there was an Act passed last year, to enable the magistrates at petty sessions to fine contractors for neglect of their roads, and giving costs to the county surveyor?—I do not remember any particular clause as regards the costs of the county surveyor; but a power is given to them to make an order, and if that order is disobeyed, on proof of that they can make a fine.

1032. You are not aware that the magistrates have given costs in those cases?—They have, I am told.

1033. Have you acted upon this Act yourself?—I have.

1034. Do you find it useful?—It is; any additional power to drive a bad contractor on is useful of course.

1035. Mr. *Macartney.*] You have stated the class of persons that you have employed; you would not think it necessary to seek a higher class for an assistant surveyor; you would endeavour to obtain a man of a higher character, but not of a higher class than those generally employed; men having a sufficient local knowledge of the country, and a capacity of measuring the material, and of seeing that the material is according to what was set forth in the specification; your opinion is, that a thorough knowledge of that, with integrity and activity, would be quite sufficient, and you would not seek a higher class of men than the assistants that are at present made use of?—I believe so, except in those cases where the grand jury might want to have one good engineering assistant, in case they had any very large engineering works to carry on.

1036. I think I gather from your evidence, that for a large county you conceive that, independent of a first class engineer as a county surveyor, it would be desirable that one assistant should have such an amount of engineering knowledge that he could very often relieve the county surveyor of local inspection, that would be inconvenient, and perhaps against the public service at that moment?—Yes, if the grand jury thought fit.

1037. You think, perhaps, that with such an assistant one or two of the minor assistants might be got rid of?—One might.

1038. Then, after the answer that you have given, although the opinion has been given in evidence from very high authority, I suppose you are of opinion that it would not be desirable to have a class of men as assistants who might come forward upon an examination and qualify themselves to be county surveyors?—Not on that account; but because the duties they will have to perform when they go to work are totally unsuited to that class of persons.

1039. At present, is there not a system of education amongst the sons of respectable farmers quite sufficient to qualify men to take the office of assistant, and men who are willing to take the office of assistant, if they get a fair remuneration for their time?—Yes.

1040. Do you not consider that that is the class of men best calculated to furnish independent and honest men?—Yes.

1041. Rather than going down to a man who has been a road contractor, who knows all the tricks of contractors, and would be put over those men?—I would say that the best man that you can get for an assistant is a man that has been engaged in public works as an overseer or as contractor; perhaps an old public works overseer of good character is the best man you can get.

1042. You mentioned that you would give a greater power to magistrates than at present exists under the Act passed last year, for the purpose of breaking a contract?—A more summary power.

1043. Might not that create great injustice to the sureties of that man?—No; I would allow the surety, of course, a power of coming in in time before he should be summoned; I am sure no bench of magistrates would ever fine the sureties, unless it was proved that they were as much in fault as the contractor.

1044. Is it not the case now, that in case of a contractor neglecting to do his work after this notice the bench may authorize the sureties to do the work?—The sureties do not require any such authorization; they can do the work if the contractor neglects it; and I think the surveyor should never summon the parties until he has exhausted everything, by notice to the sureties.

1045. Under what section of the law is it that the surety could assume the position of the contractor without some legal proceeding beforehand?—I am not able to point out any distinct section of the Act, but it is very plain, I think, that

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that when a man goes surety for another man to do a certain thing, if it is not done, he has a right to do it himself.

1046. Is that the case in your county?—Yes; we let the surety come in and do the work himself.

1047. But can he do it without going before some tribunal first?—Yes, of course he can.

1048. Is that the practice in the county of Kerry?—It is.

1049. Have you any suggestion to make with reference to the present law being ineffective as regards sudden damage?—Yes, I think the magistrates ought to have the power of giving more than 20*l.*, and it would be well, for the purpose of avoiding the cases, where it is difficult to get the magistrates to go and view the sudden damage, to allow the surveyor a discretion to order or to have the work executed in time.

1050. Is it not felt that the old rule of requiring the magistrates to look to sudden damage is almost out of date; now having such an officer as the county surveyor, who is much better calculated to report upon it, and that upon some such suggestion as you make, the county surveyor having viewed it and certified it to the petty sessions, at once the amount necessary, within certain bounds, should be ordered to be laid out upon it?—I think so; I think it certainly would save a great deal of mischief.

1051. And save a great deal of money and time?—Yes.

1052. *Chairman.*] You stated in your examination before the Commission in 1841, that a saving of 10 or 15 per cent. would be made if contractors could be paid in proportion as the work went on; is that still your opinion?—It is, and with us, at least, it has been carried out nearly now, because we pay at each assizes for the time then expired.

1053. You also stated that the roads not under contract are more troublesome to look after than others, that frauds and endless tricks are committed in laying down the materials, and that people do as badly and as little as they can; do you hold to that opinion now?—We have improved them, in a great measure, since 1841, and small contractors, that is, contractors for short lines of road, have been got rid of by increasing the length of the contracts, according as they expire; in fact, consolidating the number of contracts, so that we have lessened the number of contractors, though we have increased the mileage of roads.

1054. So that to that extent you have remedied the injurious operation of the system in the county of Kerry, to which you refer, by extending the contracts, and encouraging parties to put in for contracts?—Yes.

1055. You also stated that you thought it would be desirable to withdraw from the road sessions all control with regard to payments; do you hold to that opinion still?—That was with a view to having all the contract roads kept up under some such system as the Board of Works system was then; however, that system is now swept away, and I do not suppose that we shall ever see it again.

1056. Mr. *Macartney.*] What is the usual length of maintenance contracts now in your county?—Five years.

1057. Do you find, at the end of five years, that they give you the road in the same condition that you require it to be maintained in; do not they, in the last year, allow the road to go down in condition?—Yes, they do; that is the year that is always the most troublesome in many cases.

1058. With your supervision, are you able to keep the roads in such a condition that there is not an increased demand for the future five years?—There is an increase of mileage rate on account of the increased value of labour within the last few years.

1059. You have stated what appears to be a different practice to other counties; that the grand jury have now arrived at that position that they have always a contingent fund to pay for the work as it is executed?—Yes.

1060. Do you not conceive that that was a stretch of the law to enable them to do so?—I do not; I always thought it was perfectly legal for the grand jury to make a presentment for the work to be done when they accepted the contract, and I succeeded at last in getting the opinion of Judge Perrin to say that that was perfectly according to law, and since that opinion has been given we have worked upon it.

1061. It would be very important, as you have the opinion of a judge who has taken so much pains with the fiscal matters of Ireland, to state that Judge Perrin had sanctioned a presentment already made so as to provide funds?—I was often called

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called to task and blamed because I did not work the 54th section, which required the surveyor to repair the road; the contractor, up to the year 1854, had no money payable to him; at the next assizes he had a claim on the then grand jury for a presentment, but there were no funds to make repayment to the surveyor if he repaired the road, and I said, "You must take the clause from the beginning to the end; I will do my part if you will do yours; have money for me, and I will work;" they said, "How is that to be done?" I said, "Go to section 52;" I said, "That is the only clause in the Act empowering you to make presentments for a contract road, and there is nothing to prevent your making it for the half year next ensuing, when you accept the contract." Judge Perrin said, "You are right to do so."

1062. *Chairman.*] You held that the construction of the 52d clause authorised the grand jury to make that presentment under the circumstances you have stated, and the judge confirmed that opinion?—Yes; and if the road was neglected, I repaired the road, and came in and got the money.

1063. Mr. *Macartney.*] You said that, by this contingent fund, work was ordered, and you could pay it as you went along?—Yes; if you have a contingent fund it will take away from the surveyor the great responsibility and the disadvantage and injustice of being obliged to provide public money for a public work out of his own pocket.

1064. It is exactly that contingent fund that I was anxious to ascertain the power of the grand jury to present, in order to have in hand?—They have no such power under the existing law.

1065. *Chairman.*] You suggested, as I understood you, some time ago, that it would be desirable that by some means the grand jury should be able to supply a contingent fund?—Yes.

1066. Mr. *Macartney.*] They might have money in hand before the work was commenced, and pay as they went along?—Yes.

1067. *Chairman.*] Do you wish to add anything more to your evidence?—No.

1068. Mr. *Magan.*] Treasurers generally have large sums of money in their hands, by some circumstances or other?—Yes.

1069. Many thousands of pounds?—No, I do not suppose so much as that.

1070. They have large sums of money?—In Kerry there is some 600 *l.* or 700 *l.*, I think.

1071. *Chairman.*] What extent of mileage do you travel over in the discharge of your duties?—It exceeds an average of 650 miles a month, that is, between 7,500 and 8,000 miles a year, which will give the Committee some idea of the amount of travelling I undergo.

Mr. *Charles Lanyon*, called in; and Examined.

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1072. *Chairman.*] YOU are the surveyor of the county of Antrim?—I am.

1073. You have under your charge there a very considerable number of important roads?—Yes.

1074. Roads upon which large sums of public money have been expended?—Yes.

1075. Will you inform the Committee how long you have had the supervision of that county?—I was appointed to the county of Kildare in 1834, and then I was removed to the county of Antrim in the year 1836.

1076. Your duties are very extensive in connexion with that important county?—They are.

1077. There are a great many leading important thoroughfares, as well as many difficult works?—Yes; there are a great many leading roads, as well as a great many important works in the way of new lines of roads.

1078. Can you inform the Committee the mileage of roads under your supervision in that county?—I think about 1,800.

1079. What is the annual expenditure upon those roads?—It has latterly been, I think, about 28,000 *l.* for repairs and works of maintenance.

1080. The cost of new roads has diminished of late years, I presume?—Yes; for new roads it has diminished, though latterly again there has been an increase. Now, to give you an idea of the extent of the works in the county of Antrim in this very last year, the certified works, that is, the works which require to be certified,

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certified, amounted to about 46 miles for the two assizes, and the amount was to the extent of nearly 38,000 *l.*, independent of the works of maintenance; I had to prepare plans and specifications for new works, to the extent of 38,000*l.*, during the year ending the last assizes.

1081. How far have you been able to discharge the functions of county surveyor by yourself, or how far have you found it necessary to have those functions discharged through your assistants?—All the important functions of the county surveyors are discharged personally, such as the laying out and superintending of the making of all new lines of road and plans and specifications for building the bridges, and the cuttings of hills, and for all new works. They have all been done by myself personally, including county buildings and the supervision of all the leading lines of road in the county.

1082. Have not additional duties to a considerable extent been imposed upon the county surveyors of late years?—Very considerable; since the appointment in 1834, there have been many matters added, such as the piers and harbours, which entail a good deal of trouble. By the recent law, the militia barracks have been added to the county surveyors. At the last assizes, I was instructed to prepare plans and specifications for a militia barracks to be built in the county of Antrim. Then all the turnpike-roads by the recent Act have been put under the surveyor; I suppose I shall have about 170 miles of roads added to my duties now as county surveyor, and the emolument that I receive as surveyor to the different trustees, amounting to about 200 *l.* a year, I shall lose; and I shall have the additional trouble of looking after those turnpike-roads, as county surveyor.

1083. So that whilst large additional duties have been imposed upon you, there has been no augmentation in your salary as county surveyor?—None; but a decrease by losing the appointment as surveyor to the trustees. All the bridges connected with arterial drainage works are now put under the county surveyor.

1084. Is any allowance made for superintending them?—None.

1085. Is any allowance made for superintending the piers and harbours?—No, not to the surveyor; there is an officer appointed, a harbour constable, but the surveyor has nothing to say to that.

1086. I observe by this table, that in the year 1834, there were no assistants in the county of Antrim; whereas in the year 1854, there are 12?—Yes.

1087. Can you inform the Committee what the cost of supervision was in the year 1834, as compared with the cost of supervision in the year 1854?—In the year 1834, that was before the appointment of the county surveyors; but taking the expenditure of that year, there was a commission of 1 *s.* in the pound always added for the overseers, which was equal to five per cent.; and then there were also charges for surveys and so forth, which made it equal to about 5·50; I think that was about the amount. The per centage of the cost of superintendence in the year 1834, was 3·05, and in 1854, it was 2·94, nearly three.

1088. So that there has been a gradual diminution in the cost of supervision?—Yes, consequent upon the increase in the expenditure.

1089. Can you suggest any improvements to the Committee in reference to the present arrangement, with regard to county surveyors; taking the case of their mode of appointment first, do you consider the mode of appointment at present is the best mode that can be devised?—I think that a competitive examination is the fairest mode that can be devised for that appointment.

1090. Do you consider the present system a system of competitive examination?—I do.

1091. Will you inform the Committee how you make that out?—They were always examined by a board of engineers, and I believe there was a certain value put upon the different questions which were submitted to the surveyors upon different heads, and then the person who obtained the greatest number of marks was the successful candidate.

1092. Is the list of the candidates arranged in the order of merit, according to that plan?—I believe it is arranged in the order of merit.

1093. Is there any obligation imposed on the Government to appoint parties in the order of merit?—No, there is not; but in most cases that has been done.

1094. Can you inform the Committee whether any publicity is given to the examinations which are to be held, either before the examination, or to the candidates who may have answered successfully after the examination?—I do not know, as to the recent examinations, what steps were taken to render them public; I know that in the case of the original examinations, they were made public.

1095. Do

1095. Do you consider it desirable, that when an examination is about to be held, every publicity should be given in order that parties may be invited to compete?—Yes.

1096. And, after the examination has been held, do you consider it desirable that the public should be made aware of the order in which the candidates have been returned, according to their merits?—I see no objection to that at all.

1097. With regard to the constitution of the Board of Examiners; at present they are unpaid?—They are.

1098. Do you consider it desirable that the Board of Examiners should be paid, or unpaid?—I think it would be better that they should be paid.

1099. They are paid at Woolwich, and that is the usual practice where examiners are established?—Yes, I believe so.

1100. With regard to the appointment of county surveyors, do you consider it desirable that the appointment should rest with the Lord-Lieutenant or the Grand Jury?—With the Lord Lieutenant, as it is at present.

1101. Your salary, as county surveyor, is of course restricted by law to 300 *l.* a year?—It is.

1102. Do you find that the necessary outgoings from that salary, having reference to the extent of your duties, are very considerable?—Very considerable.

1103. What are the class of people whom you appoint as assistants?—They are a kind of overseer; many of them have been men whom I have picked up as overseers in many of the large contracts; where I have seen an active man as an overseer in a large work, I have generally selected that man as an assistant; and that is the class of men which I think is best suited for the duty.

1104. Do you consider that you have the command of the whole of the time of your assistants?—I do.

1105. Is the salary of 50 *l.* a year sufficient, in your opinion, to command the whole of the services of the class of people whom you think desirable to have as assistant surveyors?—No, I think that the salary is quite insufficient; I think that the salary should be from 80 *l.* to 100 *l.* a year; and then I have no doubt that with men of that description fewer assistants would answer the purpose, because they would be able then to go over a larger district of country, and be able to keep a horse for that purpose.

1106. The number of assistants in the county of Antrim having reference to your mileage is larger, I believe, than the number in any other county in Ireland?—I think it is, in reference to the mileage, but not in reference to the expenditure; I think that the per centage on the expenditure in the county of Antrim is less than in most other counties; there are very few counties where the per centage on the expenditure is less than 2·94.

1107. The expense of supervision is low, but the mileage appropriated to each assistant is smaller than in any other county?—Yes, I should think it is about 100 miles to an assistant, but then the mileage given in this table is merely that of the roads that are actually under repair; I suppose that there are, perhaps, 600 or 700 miles of roads not included in that 1,020 miles; I suppose that the total number of miles in the county would be about 1,800.

1108. Having reference to the table, it appears that there is a great disparity as regards the number of assistant surveyors in different counties, take the county of Roscommon, where there is none; the county surveyor there must have charge of 1,500 miles; in other counties there is great disparity; do you think it desirable that some system should be established under which assistants should be provided in some proportion, either to the mileage or the necessary expenditure in the different counties?—I have no doubt of it, and I am quite satisfied that in an economical point of view there is nothing that is of so much consequence as the appointment of a proper class of assistants, and the saving to the counties by a vigilant supervision of the minor works in counties, which is the description of work upon which the largest expenditure takes place; take the county of Antrim; suppose we spend upon works of maintenance 26,000 *l.* a year, that is principally expended in small sums, varying from 5 *l.*, 10 *l.*, 15 *l.*, 20 *l.*, 30 *l.*, to 40 *l.*, it is in the supervision of those minor works where the great vigilance is required, and that is a description of superintendence which can only be given by an assistant, the measurement of the heaps of stones laid down upon the roads, for instance, and the seeing of those stones actually spread upon the roads, and that they are not removed to other places.

1109. Take the case of Galway east, where there is one assistant and 1,100 miles,

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miles, do you think it is possible that that one assistant can exercise a proper supervision over 1,100 miles?—It is impossible; and I am quite satisfied that the appointment of 12 assistants instead of one would a vast deal more than save the salary of the 12; because it is utterly impossible to judge of the expenditure of money upon those small presentments of 10 *l.*, 15 *l.*, 20 *l.* without an actual measurement of the work done; and, in fact, peculation might go on to the extent of 10, 15, 20 or 30 per cent., I might say, in those small presentments, unless they were actually measured and superintended in the most vigilant way by the assistants.

1110. And that without the possibility of detection?—Yes, it is utterly impossible to detect it. You know the class of men that we have to deal with as contractors; there is no worse body of men, I think, than road contractors to deal with, and the vigilance required on the part of the assistants is very important.

1111. You have stated that you consider that the 50 *l.* a year, the salary of the assistants, is inadequate?—Yes, quite.

1112. Do you consider it desirable to have rather a better description of persons if the salary is raised?—Yes; I would like a better class of persons, though I would by no means wish to have men of superior education as assistants. I think that the class of men you want is a class a little above the contractors, where there is not likely to be any intimacy existing between them; but you do not want men highly educated, because, if they were so, they would not be fit for the duties that they would have to perform.

1113. Do you propose to confine the duties of assistant surveyors simply to the measurement and the supervision of works of maintenance, works of that description, generally speaking?—Yes; because I take it that all other works should be done by the surveyor himself, such as laying out a road, and making plans for bridges, and superintending the cutting of hills; and you merely require the class of assistants to superintend the minor description of work.

1114. Then you do not conceive that it would be desirable to have assistant surveyors, to whom the prospect of promotion to the office of county surveyor might be held out?—Not at all.

1115. What means would you take to provide the most efficient persons to act as assistant surveyors, with reference to the duties which you conceive they ought to be called upon to perform?—As the county surveyor himself is the responsible officer, I think that the appointment should be very much left to him.

1116. Would it be desirable, in your opinion, that there should be any examination?—I think that the examination is of very little consequence; for it is character more than anything you require; a very simple amount of education is sufficient. Give me a man of character, and that is the class of men that I conceive is wanting as an assistant.

1117. And then you are of opinion that the system of competitive examination would be inapplicable to this class of persons?—I think so. I think that the responsibility being on the surveyor, is quite sufficient for the selection of the proper man; his appointment might be subject to the approval of the grand jury; there would be no harm in that at all. I think it would be desirable.

1118. Will you state to the Committee the salary that you consider would be adequate to secure the services of the persons that you now speak of?—I think from 80 *l.* to 100 *l.* a year, according to the district.

1119. Including or excluding travelling expenses?—If the maximum were 120 *l.* a year, we should be able to get good men for that amount, to cover all expenses.

1120. Do you consider that the law is defective with regard to the superannuation of county surveyors, or empowering grand juries to make allowances to them in the event of their being incapable of discharging their duties from accident?—I think it would be perfectly fair that there should be a provision for the superannuation of surveyors, and the Act is defective in that respect, at present.

1121. You are engaged extensively in private practice yourself as an architect and engineer?—Yes, I am.

1122. Do you see any objection to county surveyors being permitted to undertake private business?—None.

1123. On the contrary, do you hold that it is attended with advantages?—I think that there are many advantages connected with a private practice.

1124. Will you state them?—You certainly get a better class of men to undertake

undertake the duties of county surveyor, and the two duties are not likely to clash the one with the other, for during the superintendence of your private works you must generally be employed in driving over or seeing many of your county works.

1125. Therefore, private practice has, in your opinion, a tendency to raise the position and attainments of the county surveyor?—I think so.

1126. Does it appear to you that there is no danger of its inducing the county surveyor to neglect his public duties?—I think not; in many cases I think it would lead to an increase of his supervising the works through the county, because in going to inspect the one he would be likely to inspect the other.

1127. You have had the superintendence and the planning of very large public buildings, a county gaol, a lunatic asylum, and works of that description?—Yes.

1128. Therefore, your knowledge in architecture is very considerable?—Yes; I have had the building of the gaol and the court house, and the lunatic asylum, and many other large works.

1129. Can you inform the Committee whether there are any suggestions that you have to make with reference to the improvement of the law under which county surveyors at present act, as respects the vitiating or annulling contracts; do you concur generally in the views of Mr. Stokes?—Yes, generally I concur in the views of Mr. Stokes, but I think that very little is required to make the law perfect; no doubt there are many difficulties at the present time, but they all arise from the want of a fund. When you take a contract from a contractor, you have no power of proceeding with the work, and paying other people to do it; now, the 54th section of the Act is an admirable section, and if there were but funds created for the purpose of enabling the county surveyor to proceed with a work by giving it to other people, I think that would remedy nearly the whole of the defects of the Act; it would strike more at the root of the deficiencies than any other clause, I think, which could be introduced. That 54th section of the Act is very ample, if, in addition to its present powers, a fund were provided by which, when a contractor failed to execute his work on the expiration of the 10 days' notice, you could employ other people to do it, and have money to pay them.

1130. Do you not think it desirable that funds should be found also for paying contractors as their work proceeds?—It is so in our county; the money is always presented at the time that the contract is made, so that we are always six months in advance, and whenever money is due, money is payable.

1131. Do you pay your contractors in proportion as they execute their works generally?—In the case of new works we generally borrow the money under the new Act, and we have no difficulty there; we raise the money by 20 half-yearly instalments, say, repayable in 10 years; we borrow the money, and then, whenever my certificate is handed in to the secretary, he raises the money from whomsoever we may borrow it; for instance, the County Bank generally provides the funds upon my certificate, and advance at once to contractors for making new lines of roads, or building new bridges.

1132. You find that practice advisable where the money has been borrowed——

1133. Do you find any difficulty when the money is not borrowed, to obtain funds from the county resources to pay for works as they advance?—I think it would be much better if the contractors were paid four times a year instead of two.

1134. Do you mean all contractors of every description?—For heavy works we have no difficulty; they are paid whenever I certify that the work is done, by the power the grand jury have of borrowing money, and that system is adopted in all the large works, and then the bank pay the contractor when my certificate is handed in.

1135. In other cases where money has not been borrowed, is there a fund out of which contractors can be paid, whether their works be permanent or new works?—None; and it would be a very desirable fund to create.

1136. Can you suggest any mode by which such a fund could be created?——I have been always under the impression that there should be a kind of floating fund presented at each assizes to a committee of the grand jury. We have always in the county of Antrim, what is called a standing committee for the purpose of consulting upon any work of importance that may arise from assize to assize, and if to this committee a sum was handed, to which the surveyor could apply in cases of need for the money required, I think that would be very easy

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arrangement indeed; and not only that, but there is always a certain sum of money in the treasurer's hands.

1137. Could the fund at present in the treasurer's hands be safely applicable under those circumstances; might there not be a demand for it from the parties on whose behalf it remains in his hand?—No; because at the assizes, when that demand would have to be met, the presentment would be payable for the amount of money which had been drawn out in the meantime.

1138. Mr. *Henry Herbert.*] Did I rightly understand you to say that you saw no objection to the grand jury appointing the assistants?—I said that I preferred the appointments of the assistants being in the hand of the responsible officer, the county surveyor; I object to the approval of the grand jury.

1139. I suppose you think that any interference in the appointment by the grand jury would take away some responsibility from the county surveyor?—No; the appointment should be merely subject to their approval; the appointment should be first made by the surveyor, and then confirmed by the grand jury.

1140. You think that the county surveyor should be the person on whom the responsibility would rest of the public works in the county being properly executed?—I do.

1141. Therefore you would leave him as free as possible in the choice of the instruments by which they should be carried out?—Certainly.

1142. You mentioned just now that, in the county of Antrim, there was a standing committee; is that a standing committee of the grand jury?—Yes.

1143. How is it appointed?—It is appointed at each assizes by the grand jury; it is not a legal proceeding, but I think it is a great pity that it should not be made legal; because I conceive that there are many cases which occur from assizes to assizes, where a county officer, such as a surveyor, might wish for advice, and wish for the power of consulting with those under whom he is acting, and this standing committee would be very serviceable in matters of that kind; and if they were empowered with a fund to meet the necessities which now exist of providing for the execution of works where the contractors are defaulters, it would add very importantly to the business of that committee.

1144. That standing committee, under the present state of the law, have no legal authority, have they?—No; they have no legal authority; therefore it is in the hope that a standing committee such as that might be appointed, that I mentioned it.

1145. What are their duties?—For instance, in some cases where railway Bills have been proposed through a part of the county of Antrim, and it has been necessary to oppose the mode in which the companies intended to cross the public roads, the standing committee has been requested to look into the matter, and if necessary, to petition Parliament; and in some cases they have attended here for the purpose of opposing certain Acts of Parliament which they thought prejudicial to the interest of the county.

1146. But they have no power of either paying or withholding public money from contractors, either for new works or works of maintenance?—None.

1147. Then you would propose to give them some such power to ensure prompter payment?—I would propose that they should have a fund at their disposal, upon which the county surveyor might draw, for the purpose of employing people to do the works where there were defaulting contractors.

1148. You would not, of course, give them any power which should interfere with the taxing power of the original road sessions?—None in the world.

1149. But simply to carry out the wishes of the sessions and the grand jury?—Just so; and wherever a work was neglected, and the county surveyor took that work out of the contractor's hands (he at present has no power of deriving any fund for the purpose of paying other people for executing that work), I would propose that this committee should have that power.

1150. Lord *Naas.*] With regard to the paid examiners, you stated that you thought it would be better to have paid examiners in this examination, as to the competency of those gentlemen; who are the present examiners?—They vary.

1151. Who are the general examiners?—I think the last examinations were held by Mr. Griffith, Mr. Rhodes, and Sir John M'Neill. They have also been held by Mr. Griffith, Mr. Ratcliffe, and Mr. Owen.

1152. Surely by no system of paid examiners would you get better men or men more qualified to examine than those gentlemen whom you have named?—No, I think not.

1153. Then

1153. Then what is your objection to having unpaid examiners?—I think, as a general rule, the duties are, perhaps, better done where they are paid for.

1154. The examination does not last long, does it; it is about three days, I think?—In my own case it lasted for a fortnight, and I think that the examinations were on the average fully three weeks.

1155. Every day for a fortnight?—Every day.

1156. What were the subjects in which you were examined?—Upon road-making, bridge building, mathematics, building generally, and upon general matters of practical experience.

1157. Is there much competition now for those places?—I believe there is still.

1158. Can you state how many candidates presented themselves at the last examination?—No, I can not.

1159. Are any certificates of character required from the candidates?—I am not aware.

1160. Are they recommended by any one, or is it open to every one?—I believe it is open to every person who applies.

1161. Would you not recommend that there should be some recommendation or some certificate of character required before a candidate could present himself to the office of county surveyor?—I think it desirable that it should be a part of the examination that he should have testimonials as to his competency from parties who knew him.

1162. At what age, as the minimum, do you think it is desirable that those men should enter the service as county surveyors?—I suppose from 22.

1163. What is the general age at which the county surveyors enter the service?—They enter at various ages, but I should think from 24 up to 35 have been the general age.

1164. Do you think that permitting county surveyors to practise privately would have the effect of obtaining a superior class of men at an equal salary?—I think that the private practice certainly secures a better class of men for the appointment.

1165. Do you think that you ought to give a higher salary provided you prevented those gentlemen from practising privately?—I think you should.

1166. You said that you thought that the assistants of the county surveyors ought to be a class of men just above the contractors in life?—Yes.

1167. Do you think that they ought to be able to survey?—I do not think that that is at all necessary.

1168. In fact, I suppose an assistant county surveyor ought to be a man pretty much in the position of a gentleman's steward?—Yes.

1169. Trustworthy and intelligent?—Yes; a trustworthy character is the most important point.

1170. Those duties would not preclude a man from holding a small farm, would they?—A man might have a few acres, but certainly he should not be what is called a farmer. I think if you give a man the salary that I speak of, he should devote his whole time to the superintendence of the roads. In my own case in the county of Antrim, I think that fewer men at a larger salary would answer better than the way I am circumstanced at present.

1171. Do you not think that 120 *l.* a year would be a very large salary for a man of that kind?—That is the maximum?

1172. They get 50 *l.* now?—Yes; I said from 80*l.* to 120 *l.*

1173. Do you not find that you can get plenty of men of that description?—No, it is very difficult indeed; in fact, most of my men are very dissatisfied with the emolument that they receive.

1174. Could they get 50 *l.* a year in the county of Antrim for performing similar duties?—Yes.

1175. Mr. *Cooper*]. A good many questions have been asked relative to the salaries of the assistant surveyors, but I do not think that you have given an opinion as to what you think the range of salaries for the county surveyors should be?—I should think from 300 *l.* to 600 *l.* a year would be a fair range, according to the class of county and the description of work that they would have to superintend.

1176. Plus travelling expenses?—Yes, plus travelling expenses. I would fix the amount of salary according to the class of the county by the Act; but I would recommend that the amount of expenses should be left conditional with the grand

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jury, that they might thereby have the power of signifying their approval or otherwise of the manner in which the duties of the surveyor were performed.

1177. On what grounds would you form your classification of the counties?—By the extent of the county, the amount of the work presented, and the description of works generally in the county.

1178. Would you not consider that in mountainous districts there were more works in consequence of the destruction of bridges, and flag-pipes, and so on, than in flat counties?—Yes, and also they are more difficult of access.

1179. Is not that one of the elements?—Yes, I think it would be a very fair element in the consideration of the classification.

1180. Are there not at every assizes a great number of flag-pipes either to be made new or to be repaired?—A great number.

1181. Are they not principally under the supervision of the assistant surveyors?—They are.

1182. Have they not a very good knowledge of what kind of work should be put in a flag-pipe?—Yes, that is exactly the kind of work that they should know.

1183. Do you think that they generally do know that?—Yes, as far as my own assistants are concerned, I can state that they have a very good practical knowledge of masonry.

1184. In the case of one county with which I am acquainted, 35 flag-pipes required repair. Do you think that such a number as that would require repair in a small county, if the assistant surveyors were well up to their duty in seeing them originally made?—Very likely those pipes were not originally made under the county surveyor. In my own county we have had an immense number of pipes to rebuild which were built some 20 or 30 years ago, and then every year also a fresh occasion arises for the building of pipes by the alteration of watercourses, or the water being brought in a different direction and in the making of roads. Formerly they were satisfied with a much fewer number of pipes in the making of roads than we are in the making of roads now; and you will frequently see occasion for pipes being built even upon roads which have not been made more than 25 years, which would not be the case if the roads were made under proper superintendence.

1185. Do you think that there would be any reasonable objection to obliging the contractor for those pipes to keep them in repair for a certain number of years?—No; I see no objection to that.

1186. Would it not be likely to secure work that would last a considerably longer time?—Yes, it might have that effect; but I think that if a pipe is built under proper superintendence, such as the superintendence of a good assistant, there ought to be no doubt as to the sufficiency of the pipe.

1187. Limestone quarries are very much used by contractors for the metal that they put on the roads, are they not?—Not in our district; we scarcely use it at all. A very small amount of limestone is used; our district is essentially a basaltic district.

1188. Would it not be very unadvisable in any county where, in fact, the formation was principally limestone, to employ the fresh stone that is taken out of the open quarries? Are there not other field stones which are far better adapted to the making of roads that can be easily got in many districts?—Quite the contrary, I should say.

1189. You think that the field stones are not so good?—I do; I specially prohibit their use, except in those localities where no other description of stones can be obtained.

1190. Are they not very often granitic?—They may be in the districts to which you refer.

1191. In those districts where the field stones are granitic or siliceous, would they be preferable to limestone?—I think not. I would much prefer many stones of an inferior description to field stones of the best description.

1192. Is not it at present legal for contractors to break any additional surface of a limestone quarry, provided they pay for surface drainage?—Yes, that is the law.

1193. Ought they not to be obliged to go to a certain depth in the part which is open before they destroy further surface?—I suppose that the magistrates at the sessions, before giving the order, would have ample power under the law of refusing the order if a contractor required to open a quarry injudiciously. You cannot enter a quarry against the wish of the occupier without an order from the magistrates

magistrates at the Bench; and certainly the magistrates would not give that order for the opening of a quarry if a good cause were shown that it was to be done injuriously to the prejudice of the quarry.

1194. Supposing the quarry to be already opened, my question is, whether it would not be advisable that the contractor should be obliged to work downward rather than take away the surface?—No doubt the stone deeper down would be a better stone to use for the repairs of the roads; but if that could be shown to the magistrates at the petty sessions where the order would be applied for, no magistrate would give an order for the breaking or stripping a fresh piece of a quarry if it could be shown that the quarry already presented sufficient facilities to the contractor for quarrying further.

1195. Then you would be surprised to hear that additional surface has been taken up where there are open quarries, without any magistrate's order?—Certainly; there is no law for that. That is an illegal proceeding

1196. And also where quarries have sometimes originally been to the extent of a few perches, they have extended actually to an acre?—That is just the kind of thing that a road contractor will do, because he will get the softest and worst material on the top, without the trouble of quarrying the better material at a greater expense.

1197. With whom should the appointment of county surveyors rest?—With the Lord Lieutenant, as at present.

1198. And who should fix the salary?—I think the salary should be fixed by the Act, according to a schedule of classification; but I would leave with the grand juries the expenses to be presented, so that they might, as I said before, have the power of testifying their satisfaction, or otherwise, with the manner in which the duties of the county surveyor were performed.

1199. Would you give the Lord Lieutenant the power in the case of vacancies of removing from a county that was of lower value to one of higher value?—Yes, certainly, I would; I think that it would be a very fair arrangement indeed, that where a surveyor occupied a third class county, if he had shown himself worthy of it, the Lord Lieutenant should have the power of removing him to a second or first class county as vacancies might occur.

1200. Do you think that no injury would be sustained by the public from removing a county surveyor from a county with which he was thoroughly acquainted to a county which he had to learn all about?—Of course there would be a certain amount of loss by that arrangement; but on the other hand there would be the advantage of an additional stimulus to a public officer in the discharge of his duties by the hope of promotion.

1201. Would those two powers, resting in the Lord Lieutenant, in your opinion give the Government of the day any political influence over the county surveyors?—No, because I take it that the appointment of county surveyors would be altogether according to the order that the persons stood in at their examination; I think it very desirable that they should be appointed according to the order of their examination, as they are returned by the examiners.

1202. Have not the county surveyors considerable influence over the contractors?—The contractors are a very difficult class of men to influence, I think.

1203. Have not the surveyors the power of favouring them slightly, or otherwise if they please?—Yes, of course they have that power of giving a certificate.

1204. Are not those contractors generally electors for the district?—I cannot conceive any difficulty in that case.

1205. You never heard of a county surveyor interfering in elections?—No; at least when I say not interfering in elections, I mean not interfering so far as his duties with the contractors were concerned; I never heard of that, or any insinuation of the kind.

1206. But you have heard of personal interference in elections?—It would be very hard for a man in any position of life not to exercise his political franchise.

1207. You are aware that many officers under the Government are not allowed to exercise the elective franchise?—I believe that to be the case in some offices.

1208. Do you not think that it would be an advantage to the county surveyors if

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if they were also prohibited?—I do not think that it is a matter of very great moment.

1209. Mr. *Macarthy.*] With whom would you have the power of dismissal?—I think as the law stands at present, it is very well. The power of dismissal is with the grand jury, subject to the approval of the Lord Lieutenant. I think it would be but reasonable that there should be a power of appeal in all cases. Let the grand jury have the power of dismissal, and let the appeal be to the Lord Lieutenant or to the Privy Council.

1210. Mr. *Macartney.*] I believe you are one of the few examples of a county surveyor being transferred from a minor county to a first-class county?—Yes.

1211. That was upon the resignation of Mr. Thomas Woodhouse?—Yes.

1212. You were nominated to the county of Antrim by the Lord Lieutenant upon the Board of Works having been called upon to certify for a man for the county of Antrim?—Yes, that was the case.

1213. You were transferred from the county of Kildare to the county of Antrim in the year 1836?—Yes.

1214. You have stated what you consider would be the maximum salary for surveyors in first-class counties, and the minimum salary for others; that is with due consideration to their being allowed to practice as they are at present in public and private practice?—Yes.

1215. Suppose the Legislature should contemplate confining their services entirely to county duties, what would you consider for a first-class county a sufficient remuneration to ensure the talents of a first-rate man?—The salary would require to be very considerably increased under those circumstances. I have not considered that question at all, as to what the amount should be; but I am certain that it would require, in order to obtain men of good status, a very considerable addition.

1216. Take your own county; in the case of the works that you have been required to carry out for the county of Antrim, which, under the old system, the county would have been obliged to pay a per-centage for, with reference to maps and plans for new roads, and also for the erection of works, such as county jails, what do you consider, putting those duties upon the county surveyor as they have been, would be a fair remuneration for a first-class county?—I think that a man of that kind should have something like 1,000 *l.* a year.

1217. During your connexion with the county of Antrim a very large amount of money has been laid out upon new roads upon which public grants were given, as well as presentments from time to time repaid by instalments for those great works; are you prepared with any memorandum to show what the amount of such works, roads, and bridges is that have been carried out under your supervision and planning since your connexion with the county, in round numbers?—I did make a memorandum at one time; it strikes me that something like a quarter of a million is the cost of the works, irrespective of works of maintenance.

1218. You mean entirely new roads, bringing that portion of the law to bear where the money is raised under the Board of Works Act for the making of those roads; about a quarter of a million has been laid out in executing those new works?—Yes.

1219. Can you state the position of the impost upon the county at this moment as to the repayment of that amount; what proportion of it remains unpaid now upon the county at large?—A very small proportion remains unpaid.

1220. Under 20,000 *l.*?—I think that the instalments now are not above 8,000 *l.* a year, whereas they used to be 15,000 *l.* or 20,000 *l.* The reduction in the instalments in the county of Antrim is very nearly 16,000 *l.* a year from what they were at one time.

1221. Very extensive buildings have been completed under your management and planning since your connexion with the county?—Yes.

1222. The county gaol, and court-house, and sessions court-houses. Can you say in round numbers what has been the amount laid out on the new buildings since you went into the county?—I suppose somewhere about 100,000 *l.*; from 100,000 *l.* to 120,000 *l.*

1223. Under the original system of the grand jury law previously to the county surveyors, the county would have been obliged to appoint an architect, and to have paid for those plans and estimates the usual per-centage, namely, 5 *l.* per cent. upon the outlay?—Yes.

1224. Have the grand jury, under the sanction of the Government or the Board of

of Works, in any way remunerated you for that portion of your duty that was put upon you without due consideration of the expense to you?—I was remunerated for the gaol. I was paid 2½ per cent. upon the gaol. That was half the usual commission.

1225–7. The usual commission would have been 5 per cent. But the grand jury, under certain authority which they did not exercise without the opinion of the Government, felt that they ought not to take your talents and make use of your exertions upon that matter merely for the 300 *l.* a year salary, but that you were entitled to remuneration in place of employing an architect, whom they might have employed under the law in addition to the surveyor at 5 per cent, and they did give you 2½ per cent.?—Yes.

1228. In the county of Antrim all these great works are managed by Commissioners, under a certain section of the Act?—Yes.

1229. The money is presented by the grand jury, and by your certificate the Commissioners make the payments?—Yes.

1230. Do you recollect any instance, since the public buildings of the county have been planned or carried out under the superintendence of the county surveyor, of an excess of expenditure over the contract and estimate?—Never. Every work in the county of Antrim has been executed within my estimate.

1231. Upon some of the public works there has been a considerable saving?—Yes; in most cases the expenditure has been less than the estimate.

1232. And all those new roads which I allude to, particularly the great coast road, were also managed under a similar commission by the grand jury?—They were.

1233. Consequently the duty of the treasurer was merely to pay upon the certificate of those Commissioners, who were obliged first to have your certificate of the due execution of the work?—Yes; the certificate passed up to the Board of Works, and the money was paid when the Commissioners obtained the money from the Board of Works, but since they have ceased to make loans, the certificate passes into the hands of the Northern Banking Company, which is the county bank, with the endorsement of the Commissioners upon the certificate, and they pay.

1234. What is the floating balance from one assizes to another in the hands of the county treasurer, available for casual works?—I cannot say that.

1235. It is very small compared with what it used to be, is not it?—It is nothing like what it used to be.

1236. It would be dangerous without further legislation, to give the grand jury or the county surveyor the power of executing works not executed by the contractor properly, and to come upon the treasurer for that amount?—I think that there should be a floating fund for that purpose.

1237. A certain description of works have been executed from time to time in the county of Antrim, not coming within the range, that would justify the raising of money under 20 *l.* instalments; and under the section of the Grand Jury Act, they have authorised the treasurer from time to time, on the certificate of the county surveyor, to pay a proportion of the money for that work?—They have.

1238. Amounting, I believe, to three-fourths?—Yes.

1239. Reserving one-fourth till the work is finished?—Yes.

1240. That has been found very beneficial?—Yes.

1241. And it has been the means of getting the work done at a very much smaller estimate than if the parties remained out of their money till the work was finished?—Yes, I think so.

1242. And you would extend that power to all works of maintenance, and vest it in a standing committee of the grand jury, or some other authority?—Yes, exactly so. It would not be necessary for all works; for instance, for a mere presentment of 2 *l.*, and 3 *l.*, and 4 *l.*; but where the contracts exceeded a certain sum, there should be a power of paying.

1243. You referred to a standing committee appointed from time to time by the grand jury to watch over the interest of the counties with respect to public works and railways; that committee has generally consisted of five or seven of the principal landowners and gentlemen, who have taken an active part on the grand jury for years?—Yes, generally so.

1244. I believe that originated in a matter connected with Belfast at some time; some attempt was made to interfere with county property, and the county felt, under the advice of their law agent, that there should be some person

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responsible to look that the county was not compromised by the act of any party?—I do not know the precise manner in which it originated, but I know that a great want was felt by myself and others, of some power with whom we might consult from assizes to assizes.

1245. I believe that upon three or four special occasions, four or five of those gentlemen attended in London, and were of great use in preventing an unjust expenditure of the property of the county?—Yes.

1246. I believe you attended with them?—Yes.

1247. And the subsequent grand juries were satisfied that the expenditure was such as they were justified in making, and that they had the sanction of the Court for the expenditure of that committee in London?—Yes.

1248. Mr. *Henry Herbert.*] You stated that you would allow a sum for travelling expenses to the county surveyors; do you propose that that should be a fixed sum, or that it should depend each year upon the vote of the grand jury?—I would propose that it should range according to the class of the county; that a minimum and a maximum should be fixed, but it should be altogether in the hands of the grand jury to present such sum at each assizes as they thought fair to the surveyor.

1249. Then it would depend upon a vote twice a year by the grand jury?—Yes.

1250. Do you not think that that might have a tendency in some cases to render the county surveyor less independent than he is at present, from his knowing that that portion of what he might look upon as his salary would depend upon a half-yearly vote?—Still I think it would act, on the other hand, as a stimulus to him to exert himself.

1251. Would not his knowledge that the grand jury had the power of dismissal be sufficient for that purpose?—The grand jury, I think, might have the power of signifying in other ways than by the dismissal of an officer, their appreciation, or otherwise of his conduct; and if a man was a worthy officer, of course the grand jury would be glad to show their satisfaction by presenting the maximum; if on the other hand he was an unworthy officer, it would be but reasonable that the grand jury should have the power of presenting the minimum, without going to the extent of dismissal.

1252. Are you not aware that in many cases very considerable pressure is put upon the county surveyor by the friends of influential contractors or others, to certify for a presentment?—I have heard of that being the case, but I have never had any experience in my own case of that sort.

1253. That is not your experience in the county of Antrim?—Certainly not.

1254. That may exist in counties less fortunate than Antrim?—Yes; I have heard it spoken of by surveyors that that difficulty does exist.

1255. In the case of a county where that difficulty does occasionally exist, might not it be putting the county surveyor in rather a disagreeable position, and thereby render him less independent than he is now?—There is no doubt that, for the satisfaction of the county surveyor, it would be very much better to have the expenses fixed; but I thought it but reasonable, taking a view of both the grand jury and the surveyor, that the grand jury should have some power in their hands.

1256. Might not this happen; a very severe pressure might be put upon a county surveyor with reference to a particular presentment, about which there might be very great anxiety; the county surveyor would be then called upon, perhaps, to offend a gentleman on whose vote in a very short time the amount of his travelling expenses might depend; would not that be the case?—Yes; it might, certainly; as a matter of principle in that respect, it would be fair for the surveyor to have his expenses fixed.

1257. Are you decidedly of opinion upon the whole that it would not be better to make the county surveyor perfectly independent as regards salary, leaving the check in the power of dismissal with the grand jury?—I am not prepared to go to that extent; I think it is but reasonable that the parties employing you, or whose servant you are, should have to a certain extent some power of control; I do not go to the extent of taking from the grand juries altogether the power of control over the surveyors.

1258. You would not propose to give the county surveyor more than the money actually expended for travelling expenses, would you?—I suppose, generally

generally speaking, it would be a kind of composition; that a certain sum would be voted as travelling expenses according to such a return as the surveyor might make of the amount of expenses incurred by him.

1259. Would not that composition be founded upon the assumption that he was actually out of pocket?—Yes.

1260. It would not be fair to give him an increase of salary by those means? No, certainly not; I use the word composition in this way. At the first assizes, supposing such a regulation to become law, the surveyor would be called upon to say what is a fair sum to meet his current expenses; he would say so and so. Then it is likely that that sum would be presented from half year to half year, unless some cause of dissatisfaction were expressed by the grand jury as to the conduct of their surveyor, and therefore the sum fixed in the first half year would be a kind of composition for the sum to be presented hereafter.

1261. Would not it be rather unfair to the surveyor if the grand jury had any cause of dissatisfaction with him, to cut him out of expenses which are supposed to be expenses out of pocket?—Yes; but I apprehend that no grand jury would do that unless there were some occasion for it.

1262. If the grand jury had a very high opinion of the surveyor, and wanted to reward him, it would be giving him money under false pretences?—No; I take it that the sum presented should be a fair composition for the amount of expenses actually incurred.

1263. If it was a composition year by year, it would take away from the grand jury the power of expressing satisfaction or dissatisfaction, would it not?—It would take away from the grand jury the power of expressing satisfaction, but it would not take away from them the power of expressing dissatisfaction, because they could diminish the sum to be presented.

1264. Then you would propose to give the grand jury a kind of power of fining the county surveyor if they saw reason to do so?—I think it is perfectly fair in principle that the parties employing you should have some kind of control over you. I should not have the least objection that the parties whose officer I was should have a certain control over me, or a certain power to diminish, or otherwise, the sum which they would present.

1265. Does a similar power exist in any other public depar tment that you are aware of, where persons of a high class are employed in public duties?—No, I do not know of any other.

1266. Do you not think that that power might be sometimes exercised in a way disagreeable to a gentleman of position and education?—I think it might, certainly.

1267. Then, if it might be so exercised, would it be worth while running the risk of much lowering the position of the county surveyor to give a power to the grand juries to testify their approval in the mode which you suggest?—I should not be apprehensive myself of dealing with gentlemen in the matter at all. I think that certainly a case such as you have put might exist, but I do not think that it would be the general rule. I think you must take it that you are dealing with gentlemen in this matter, and, as such, I think you would be perfectly safe.

1268. I suppose you agree with me generally in supposing that it is desirable to make the county surveyors as independent as possible, as regards pecuniary remuneration, leaving, as a check to the public, the power of dismissal with the grand jury?—Yes, I do. I think that the more independent you can make them, and the higher status you can give them, the better. And I think that the more you can secure a high class of officers for your county surveyors the more benefit you are conferring upon the public service.

1269. Mr. *Cooper*.] Would there be any objection to appending to the report, always read at the assizes, a statement from which the grand jury could deduce the amount of work and the probable expense that a county surveyor was put to during the past half year?—I think that would be a kind of lowering again of the position of a county surveyor. I think that perhaps such an arrangement as that would not improve his position at all with the grand jury.

1270. Then how would you propose to leave the amount of the expense to the grand jury; from what source are they to derive an opinion as to what that

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amount should be?—They must form that opinion of course, in the first instance, by an examination of the county surveyor, as to the expenses he is put to; and I should hope that they are of that character that there would be no difficulty in coming to an arrangement as to what would be a fair sum for the surveyors to receive for their expenses; but having ascertained that amount once, I think it would be rather an obnoxious thing that an account of the expenses should be given in by the county surveyor at every assizes to the grand jury.

1271. Supposing a county surveyor had a great deal more work to do afterwards than he had at first, would it not be rather hard that he should be mulcted in the additional expenses?—I take it that if he were put to additional expenses he would make an application for an additional sum.

1272. Mr. *Macarthy.*] Would it not be some guide to the grand jury as to the attention that the county surveyor had paid to the county generally, if they had a statement of how many miles he had travelled through the county?—I think that the grand jury are very good judges of whether the surveyor does his duty or not; nor do I think that it would be a criterion of how he had performed his duty for him to give a statement of how many miles he had travelled.

1273. Would it not be some means of ascertaining whether he had visited the works under his charge?—I think not, because many of the more important and expensive works to the county would not depend upon the amount of travelling. As an illustration of that, I may mention that this very last year I have had to prepare surveys to the amount of 46 miles for new lines of road, and the bare expenses connected with those surveys could not be less than from 50 *l.* to 80 *l.* of money out of pocket. That is independent of all my duties of supervision.

1274. Those are not travelling expenses?—Those are expenses incurred, which are just the same. It does not matter how the expenses are incurred, whether by travelling or other means. The expenses incurred in the execution of our duty are expenses for which we think we ought to be remunerated; and in the case of new lines of road, a great deal of the heavy expense would not depend upon the number of miles that you would go over.

1275. Do you consider that the county surveyor ought to see the state of all the roads through the county; that he should personally inspect them?—I think that it would be impossible for him to see all the roads in the county. I think that the county surveyor must judge to a certain extent of many of the roads upon the reports of his assistants, and he must of course adopt such means of supervision as will satisfy him that his assistants are doing their duty, and that the reports which he receives of every road in the county are correct. For instance, with my own assistants, I get a monthly report of every road in the county, and it is very easy for one to check, and see whether that statement is correctly given, whenever I am upon any of my inspections casually.

1276. Do you think that the present assistants in Ireland are of such a class that the county surveyor can safely rely upon their reports, he not having seen the roads himself?—I, of course can only judge of the assistants that I have myself. I would almost implicitly rely upon the reports of those assistants that are at present in my employment. At the same time I think them very insufficiently remunerated for the work they do. Perhaps I am more fortunately circumstanced as to my assistants than most people, because, from the immense amount of work that has been carried on in the county of Antrim, I have had an opportunity of selecting from the works in progress the overseers of contractors; and when I have seen an active overseer, that man I have put my eye upon, and say, "You will make a good assistant," and when the job has been completed I have taken him as an assistant.

1277. Do you think that, generally speaking, those assistants are a class of men upon whose reports reliance may be placed implicitly?—As I said before, I have had very little experience of the assistants in other counties. The surveyors I know generally intimately, but not their assistants.

1278. *Chairman.*] If the grand jury are to pronounce an opinion with reference to the efficiency of the county surveyor by any pecuniary determination, does not it occur to you that the increasing or diminishing the salary would be a more direct mode of pronouncing that opinion rather than dealing with the question of

of travelling expenses?—I think I would rather see the amount of the salary fixed by the law, according to the class of the county.

1279. Are the following the suggestions that you offer to the Committee: First, you suggest that the counties should be classified, having reference to mileage and other considerations; say into two or three classes?—Yes.

1280. Secondly, that the salaries of the county surveyors should be fixed in reference to the classification of the counties; is that your view?—Yes.

1281. Thirdly, that the number of assistants should be determined by reference also to the classification of the counties?—Yes, just so. I do that because I think that great misapprehension prevails in the minds of many grand juries in reference to the appointments of assistants. They think that, by not appointing the assistants, they are carrying out a system of economy, whereas I am as satisfied as I can be upon any subject, that there is no greater mistake than the non-appointment of a sufficient number of assistants, and the appointment of one or two assistants in a county is virtually of no use; because, unless they are sufficiently numerous to check by actual admeasurement every ton of stores for which you contract, you really do very little good by the appointment of an assistant. It is of the greatest importance in preparing the specifications for public works that they should provide accurately for the amount of work to be done; and when you are providing for the repairs of a road by contract for any number of years, you should even specify in that specification the number of tons of stone annually to be deposited upon the road, and the amount of labour also that is to be devoted to that road. Then you specify a certain work to be done, upon which no person will feel any difficulty in giving in a tender; otherwise, if you do not put in the specific work to be done, every person will take a different notion of the way in which the work is to be done, and being bound to take the lowest tender you not only take, perhaps, the worst man, but you take a man whose notions of keeping a road in repair are very different from what they ought to be, and you have no means of testing the sufficiency of the work or otherwise. But if you specify the work to be done, and a certain amount of labour to be given, you have no difficulty in getting a precise tender upon fair terms; you can calculate whether those tenders are correct in point of price or otherwise, and then, by having a class of assistants sufficient and competent to measure the quantity of the materials laid down, and to see the amount of labour given upon the roads that are contracted for, you have a *bonâ fide* contract and a *bonâ fide* work done, instead of a problematical contract, for which you may not get 50 per cent. either in material or labour for the amount you have agreed to pay; in the one case you get the whole amount of labour and material at a fair price, and in the other case you may be deceived to the amount of 50 per cent., without being able to detect the loss.

1282. In your next suggestion, that the salary of the assistants should be augmented to, say from 80*l.* to 120*l.*?—Yes.

1283. That the appointment of assistants should rest as at present, with the county surveyors?—Yes, certainly.

1284. That the mode of examination of county surveyors should be competitive?—Yes.

1285. Before a paid Board?—Yes. There might be men such as those who are at present the examiners, added to it; because, in the case of men of their position, of course there can be no question as to their being the right men to conduct such an examination.

1286. Would it be desirable that the Board of Examiners should be changed occasionally, periodically?—I think that would be quite fair.

1287. Or that some one should go out by rotation?—Yes; that would be quite reasonable.

1288. That notice should be given to the public when an examination was to be held?—Yes.

1289. That publicity should be given to the examination questions, as is the case at Woolwich, but not to the names of the candidates; is that your opinion?—I do not know as to that, because the questions would be very likely the same questions as would be put at the next examination, and therefore you would give publicity to the questions which would be put. I think a person might take advantage of that, and prepare for the examination. If the questions put were printed, and afterwards made public, it would be very difficult, because we must

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presume that those questions are the best that could be put for examination. Then you must either put those questions at the second examination, or you would be debarred from adopting the best questions that you could make.

1290. Are you aware that at Woolwich, where an examination is held every year, the questions are published after the examination, with a view to enable the public to judge how far the questions are calculated to establish the efficiency of the parties who may have answered them?—No, I was not aware of that; but I can imagine that the examination there would be more general than the examination for the situation of county surveyor.

1291. Then you do not think it desirable that the question papers should be published?—I do not, because I think that the same questions must, to a certain extent, be repeated at each examination, or questions that are tantamount to them.

1292. Do you recommend that the successful candidates at the examination should be certified by the examiners in the order of merit, and form a list out of which the future appointments, as long as they last, of county surveyors should be made?—Undoubtedly.

1293. And you think that the appointments should be made in the order of merit?—Undoubtedly.

1294. Mr. *Henry Herbert.*] Supposing the same questions are given, we will say, at an examination held now, that were given at an examination six months before, what is to prevent anybody who was at the examination six months ago, giving all those questions to a candidate now who might get them up previously to the examination?—He would not have the questions himself; he might give him the general bearing of them, certainly; and I think there is no doubt but what the questions at each examination must be very similar indeed; for instance, the questions upon road making, the questions upon bridge building, and the questions upon surveying, and so forth, must very nearly be alike. If you come to a mere question of abstract science, you may vary your questions as you like, to test the efficiency of a man, or otherwise; but the general questions connected with the situation of a county surveyor, I take, must be very nearly the same.

1295. They must be generally the same; but then, if the questions are the same, surely you would have the evil to which I allude constantly, that a person in one examination would make a note of what the questions were, and give them to his friend previously to his going in; would not that, instead of insuring a person with a general knowledge of the subject, open the door to a person who was merely crammed up for the occasion?—It would be the same thing if you published the question; it is to avoid that that I recommend they should not be published.

1296. If you publish them, and also have them different at every examination, you merely indicate by the publishing the kind of examination which a person is to be subjected to, without telling him the particular questions, do you not?—Yes; as I said before, the questions upon matters of science may, of course, be varied to any extent; but the questions connected with the matters which I have just referred to, such as road making, bridge making, and so on, which must be the same nearly in every examination.

1297. Do you think it is impossible to vary those questions in such a way as to ensure testing a man's general knowledge?—Of course they could be varied; but the substance of them would be the same, I think, in all the questions that you could put. The subject is confined; it is not like a question of general science; but a question connected with road making and bridge building, and so on, is limited within a very small extent, and I think the substance of the questions in an examination upon any of those subjects must be very nearly the same.

1298. Would it not then be fairer that everybody who goes into the examination should know the questions, than that they should run the chance of knowing them from the particular friend of anybody who has passed the examination?—Of course, there would be a risk of what you say; that a person might give to his friend information with respect to the examination which he had passed, if he took a note of the questions submitted to him; of course, there is that difficulty about it.

1299. Then, on the whole, do you not think that it would be the lesser evil of

of the two to publish them, and let everybody go in fair, particularly if it is to be a competitive examination, the essence of a competitive examination being perfect fairness, as between the parties examined?—Yes, certainly.

1300. *Chairman.*] Do you think that the examination for the county surveyors ought to be confined to what you call practical matters, such as road making?—No, I do not say that by any means; I say that an important part of the examination will be upon road making, and upon bridge building, which are the important parts of the duties of a county surveyor; of course, he will be examined generally upon science and other things, but the special examination will apply principally to road making and bridge building, and building generally.

1301. Would it not be necessary that a gentleman, to fill the office of county surveyor, should be intimately acquainted with the sciences connected with his several duties, such as bridge making; and does not that involve a very considerable amount of scientific knowledge?—Yes.

1302. Mathematics?—Yes; but in mathematics, and anything connected with science, there is no difficulty in varying the questions to test the efficiency of the candidates.

1303. Do you not think that county surveyors should be acquainted with geology and mineralogy?—Yes; there could be no difficulty in testing the experience or fitness of the candidates upon those points, because the thing would be quite general enough.

Mr. *John Leslie Worrall*, called in; and Examined.

1304. *Chairman.*] YOU are a Civil Engineer?—Yes.

1305. Will you state what your experience as a civil engineer has been?—I entered college in 1837, and after being two years in college, up to the senior freshman's year, I went to learn surveying and levelling with a gentleman who was very experienced in it; I then, after some time, became an assistant of Sir John M'Neill's.

1306. You were employed by him in connexion with railways?—Yes, for four years and a half.

1307. How have you been employed since?—I have been employed in private practice in surveying, river drainage, and embankments.

1308. You were examined twice, I believe, before the examiners under the grand jury law?—I was examined three times.

1309. Confining yourself to your first examination, which was in 1851, can you state whether there was any publicity given to the examination beforehand?—I never saw any advertisement or any notification of publicity.

1310. How did you learn that the examination was to be held?—I had been at the previous examination, and previous to that examination I had discovered something upon the subject.

1311. With reference to the examination of 1851; how did it happen that you heard that such an examination was about to be held?—I had my name entered at the Board of Works as a candidate, and when the examination was about being held, I received a printed document, a copy of which I have here (*producing the same*).

1312. This is a circular signed by Mr. Hornsby, the Secretary to the Board of Works, in which he informs you that, with reference to your application to be examined, the Board of Examiners intend to hold an examination, and after stating the age, they proceed to state that, to prevent misunderstanding, you are informed that the result of the examination will be solely a subject of communication to the Lord Lieutenant, with reference to the situation of county surveyor; and the Board of Examiners will give no certificate to the parties to be used for other purposes, nor any opinion as to their general qualification?—Yes.

1313. It appears, in the first place, from that, that whatever may be the results of the examination by the Board of Works for candidates for the office of county surveyor, those results are not made known to the public?—No; I found great difficulty in obtaining any information upon the subject at all times.

Mr. *J. L. Worrall.*

4 August 1857.

1314. Were there many candidates at the time you were examined in 1851? —I counted 73 in 1851, and in 1847 there were 34.

1315. How many of the 73 candidates in 1851 were certified as being qualified?—Sixteen; and in 1847 there were nine.

1316. What was the next communication that you received from the Board of Works, with reference to the result of that examination in 1851; how soon after your examination did you learn that you were returned as qualified?—The examination took place in 1851, and I did not know that I had been on the list of qualified candidates till I received this letter from Colonel Larcom on the 3d of January 1854, in reply to a question which I put to him upon the subject.

1317. Had you made any application in 1851 to ascertain whether you had been returned or certified as qualified?—I was afraid to inquire.

1318. How came you to apply in 1854?—The Corporation of Limerick required an engineer under the Towns Improvement Act, and I thought that this would be the best stepping stone to get that office; I therefore wrote to Colonel Larcom, and he wrote, in reply, the letter which I hold in my hand.

1319. This was three years after the examination?—Nearly so.

1320. But you had made no previous application?—I had made no previous application with reference to that examination, but I made application with reference to the examination which took place in 1847, and I found it useless to make an inquiry; I applied to Mr. Walker, and he refused to give me any information.

1321. You assume that, in consequence of a paragraph appearing in this circular, that the result of the examination should be solely a subject of communication to the Lord Lieutenant, it was not the business of the Board of Examiners to acquaint the candidates with it?—Yes; that is the bargain they make.

1322. Do you consider that that system is calculated to give satisfaction to the parties who tender themselves for examination?—I think it gives very decided dissatisfaction.

1323. You think it better that parties should know their fate, and know the order in which they are returned?—Certainly; as for fellowships and scholarships in college, all know whether they succeed or fail immediately.

1324. In what manner was the examination in 1851 conducted; was it by papers?—By papers; it appeared to be very well conducted.

1325. How many days were you examined at the examination in 1851?—About 10 days.

1326. What you object to in the system as regards the examination is, that no publicity should have been given after the examination as to the results of it?—Yes, I decidedly object to that.

1327. An examination was held for the county of Dublin under the Grand Jury Act?—I understood so; but although I was living in Dublin at that time, and doing nothing professionally, I never heard of it till it was over.

1328. Therefore, as far as you were concerned, you are not aware that any publicity was given to it?—No; I would have gone into that examination if I had known of it.

1329. Have you seen a return which was made to the House of Commons last year, showing the result of those examinations?—Yes.

1330. Your name appears as a certified candidate on the examination of 1851?—It does.

1331. Is the list of parties certified in connection with the county of Dublin appended to that list, a list of persons qualified to be surveyors in Ireland at large?—No; the information was not asked in the House of Commons on the subject of the county of Dublin; it was merely with reference to the Grand Jury Act.

1332. Is not it the case, that parties examined for the county of Dublin have been returned as qualified to become county surveyors in any county in Ireland?—I heard about the latter end of March last, that such was the fact. In fact, one or two of those persons who had been in for the county of Dublin examination, informed me that they had received information from the Castle, that their names had been entered as qualified for the general examination. I felt very much

much surprised at this, and I addressed another letter to Colonel Larcom, to know if that was the case, and I have here a copy of that letter.

1333. You addressed a letter to Colonel Larcom to inquire whether the names of the persons who were said to have attended the examination of the candidates for the office of surveyor to the county of Dublin, had been placed upon the list of those eligible for county surveyorships, under 6 & 7 Will. 4, c. 116?—Yes.

1334. What was the answer which Colonel Larcom returned to that letter?—Here is the answer (*producing the same*).

1335. Colonel Larcom states that the gentlemen examined for the county of Dublin, are fully qualified for the performance of the duties of county surveyors under the general Act, and that their names have been added to the list of those qualified?—Yes.

1336. Can you state whether or not the parties examined in 1851 were returned to the Lord Lieutenant in the order of merit as decided by the examiners?—I had no means of judging, because a great many of them were strangers to me.

1337. Was any intimation made at the time of the examination, that the names would be returned to the Lord Lieutenant in the order of merit?—There was none at the examination in 1847, but a very decided statement was made by Mr. Griffith at the examination in 1854. He stated that the names would be returned to the Lord Lieutenant in the order of merit, according to the answering; but that they had nothing whatever to do with that list when once it left the Board of Works Office.

1338. Their duties ceased when they returned the list of candidates in the order of merit?—Precisely so.

1339. It being discretionary with the Lord Lieutenant, according to the law, to make a selection of the parties in whatever manner he thought proper; is not that so?—Yes.

1340. Therefore, at present the system is not a competitive one in reference to the office of county surveyors?—No, not altogether; but I think that the names have been very fairly dealt with at the Castle at all times.

1341. Do you consider that it would be an improvement upon the present system, if the successful candidates were to acquire a right to vacancies in the county surveyorships, according to the order in which they were returned by the examiners?—Clearly; they could then know about what time they would receive the appointments, and make their calculations accordingly.

1342. The uncertainty of their being appointed or not appointed, has a tendency to prevent their going in for examination?—Yes; in my own case I was 15 years looking for an appointment.

1343. Do you think that it would be desirable to give more publicity to the examinations previously to their being held?—Yes; every possible publicity, with a view to having as many persons competing as can be found.

1344. Do you see any objection to the publication of the examination papers after the examination?—No; on the contrary I see great advantages in it.

1345. Would the publication of the examination papers have any tendency to enable parties to prepare themselves for future examination?—I think that the questions put ought to be a decided advantage to any person going in, to show him what his deficiency was; and every question should be modified at every examination. If a man is well made up in one set of questions, he will be well made up in another set of questions; I copied 150 of the questions that were asked of me, and brought them away with me, and gave them to everybody that asked me for them.

1346. Have you been much engaged in the supervision of works, either of a public or private nature?—I have been employed in road making and embankments and river drainages.

1347. Will you state what was the nature of the duties that you performed when you were employed under Sir John M'Neill?—I was his general assistant upon the Drogheda Railway, measuring different portions of the work; Mr. Lefanu and I measured all the sleepers upon that railway.

1348. Had you to superintend the execution of any works of, comparatively speaking, minor importance on the Drogheda line?—I assisted Mr. Ellis, who was assistant engineer of Malahide.

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1349. Did you assist at the Malahide viaduct?—Partly that, and partly along the line, and doing whatever Sir John M'Neill required me to do.

1350. Are you acquainted with the nature of the duties of assistant surveyors under the grand jury system in Ireland?—They have to measure all the work; they have to measure materials, and to assist in making surveys and taking levels, and seeing whether the work is properly done.

1351. You heard Mr. Lanyon's evidence with reference to that class of persons; do you agree with him in thinking that it is not desirable to have persons educated beyond a certain point?—I do not agree in that opinion at all; I think the higher character of education you get the better.

1352. Do you not think that there may be a class of work that educated persons would not be likely to apply themselves to, such as measuring stones, and things of that kind?—I never knew of any young fellow anxious to advance himself that would think any work beneath him, and I have known many hundreds.

1353. Do you think that the work of an overseer on works of maintenance, such as measuring hundreds of tons of stones for a considerable period of time, would be regarded by an educated young man as calculated to improve him in his profession?—Certainly, it would be the first thing; I have known instances of young men working as masons, in order to attain a knowledge of masonry.

1354. Supposing the office of assistant surveyor was to be open to the public, with a salary of 80 *l.* to 120 *l.* a year, do you think that competitors would be found for that office among educated young men?—There would be plenty of competitors. We had only 2 *l.* a week upon the Great Southern and Western Railway for a long time.

1355. You were employed upon that railway, were you?—Yes; I was the first person ever employed there. Mr. Lefanu and I made the first trial sections for that railway, about 14 years ago, and he had only 8 *s.* a day at that time, and I had the same; and afterwards, when a change was made, we had less.

1356. Therefore, you consider that the salary would not be viewed as inadequate to induce people to come forward with a prospect of promotion?—Decidedly, with a prospect of promotion, otherwise it would not.

1357. In your examination in 1851, were you examined in any of the higher branches of mathematics?—We were examined in mathematics generally.

1358. Do you consider that a scientific knowledge of the various matters connected with the duties of an engineer, forms an essential part of the education of a person looking to be an engineer, either as assistant with a prospect of promotion, or a county engineer?—Certainly; if a man has a curve to lay out, he will not be able to do it without having some knowledge of science.

1359. Mr. *Magan.*] How many county surveyors were appointed from the examination in 1847 to the examination in 1851?—Eight.

1360. And those persons were appointed from the list of 1847 alone?—Yes.

1361. You said that there were nine on the list of 1847?—So there were.

1362. And one remained unappointed?—He has been appointed since; he was the last person appointed.

Veneris, 7° die Augusti, 1857.

MEMBERS PRESENT.

Mr. Cooper.	Mr. Macartney.
Mr. G. A. Hamilton.	Mr. Magan.
Mr. Herbert.	Mr. Waldron.

GEORGE ALEXANDER HAMILTON, Esq., IN THE CHAIR.

General Sir *John Fox Burgoyne*, G.C.B., called in; and Examined.

General Sir *J. F. Burgoyne*, G.C.B.

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1363. *Chairman.*] YOU were for many years Chairman of the Board of Works in Ireland?—I was.

1364. You occupied that office at the time of the passing of the 3 & 4 Will. 4, c. 78, the Grand Jury Act for Ireland?—I did.

1365. Under that Act I believe the institution of county surveyors was first established in Ireland?—It was.

1366. Was that Act prepared under the direction, or after conultation with the Board of Works?—I think we had nothing to do with the preparing of the Act; but we were charged with bringing it into practice at the commencement, by making a selection of gentlemen for the position of county surveyors.

1367. The Act directs that three civil or military engineers should be appointed to act without salary, whose functions should be to examine and certify the qualifications of all persons desirous to act as surveyors, or assistant surveyors, under the Act; can you inform the Committee what steps were taken in consequence of that provision?—I have no doubt that that provision was made, having in contemplation that the Commissioners of Public Works would undertake that office, and probably, though I cannot speak from recollection, we were consulted beforehand whether we would undertake it. The consequence was, that we formed a board, consisting of myself as chairman, and Mr. Ratcliffe another commissioner, both of whom had been professional military engineers, and we associated with us our principal architect and engineer, Mr. Owen. Those three formed the board.

1368. Mr. Owen, I believe, was a gentleman of considerable experience in your department?—Very much so, perhaps as much as any man I ever met with.

1369. Can you inform the Committee, with reference to the first examination under that Act, of the number of persons who were examined for the office of county surveyor; was the number considerable?—The number required was 32; but I know a considerable number more candidates came forward, and were examined, and the result was, that we recommended not only the 32, but a supplementary list of a certain number of others that we considered competent, who might be subsequently appointed from time to time as vacancies occurred.

1370. Were the examinations of an elaborate description?—The examinations were very elaborate; they took a considerable time, and we thought it a very reasonable cause to leave that supplemental list of gentlemen, who had proved themselves, as we thought, competent for the office, in order to avoid the necessity of entering upon such an examination again, when any vacancy occurred in the 32.

1371. Did the examination comprise scientific as well as practical knowledge?—It comprised theoretical and practical knowledge; that is, elementary knowledge, as I may call it.

1372. Was the examination conducted *vivâ voce*, or by written questions?—By written questions and answers; it occupied many days.

1373. Do you consider that to be the best mode of testing the proficiency of candidates for such offices?—I do, decidedly.

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1374. When the proficiency of the candidates was ascertained, were they placed in a list according to order of merit?—They were placed in a list submitted to the Lord Lieutenant and the Irish Government.

1375. With reference to assistant engineers, the Act of Parliament provides that they also should be examined; can you state what steps were taken with reference to the examination of that class of candidates?—I do not think we examined them so formally as we did the others; it was comparatively a low position, and, to the best of my recollection, we rather took the recommendations of the county surveyors themselves, with such particulars as they could give. They generally described what were the qualifications of those persons, and we recommended them accordingly; I think I may add, perhaps, and it is rather remarkable to my mind that very little, or in short no influence was ever used on the part of the Irish Government, nor any influence of any kind on the part of any one else, to interfere with the examinations or the recommendations.

1376. So that though the Government were not bound to take your recommendations in the order in which you returned them, that is, according to the order of merit, yet they generally acted upon that principle?—Universally.

1377. You mean during the period that you held the office of chairman of the Board of Works?—Yes; I never heard any complaint whatever made of the result.

1378. Therefore the system of examination introduced under that Act appears to have had the effect of establishing something like a competitive system of examination?—Yes, very much like the competitive system adopted at present.

1379. I believe that was the first instance in which an examination was established with reference to candidates for any public department?—To the best of my knowledge it was the first instance.

1380. Can you state, from the experience which you had for many years in Ireland, whether that system not only of examination, but of appointment of county surveyors, was productive of public advantage to the country?—I always heard it spoken of by the country gentlemen very highly; I scarcely heard any complaint of any individual county surveyor, and my impression was, that there was a much better class of gentlemen appointed, men better qualified for that position than reasonably could be expected for the remuneration, and for the performance of the duties which they had to perform.

1381. Previous to the establishment of the system of county surveyors, can you inform the Committee what was the practice when any large county work had to be undertaken, with reference to obtaining engineering supervision or advice?—The practice was, for the county to employ, if they thought fit, some gentlemen of eminence, and at a very high rate of remuneration, to give them plans and estimates. I do not know how they were executed afterwards; but they either did that, or if they did not choose to pay highly, they most probably got the work imperfectly performed; but it struck me that the county surveyor system was a very great improvement upon the old one.

1382. The salary of county surveyors under the Grand Jury Act was limited to a sum not exceeding 300 *l.* a year, including outgoings; did you form any opinion at the time as to whether that was an adequate amount or not?—I thought it was a small allowance, and particularly for the large and important counties; and I think I heard of occasions where grand juries would willingly have given more if they had been allowed.

1383. At that period, and for many years subsequently, there were a considerable number of roads under the management of the Board of Works?—There were.

1384. Can you inform the Committee whether those roads have been added to the duties of the county surveyors since that period?—I really do not know; but the Board of Works were accustomed to employ the county surveyors upon those roads.

1385. Were they paid extra for that work?—Certainly; they must have been paid something extra for that by the Board of Works.

1386. Is there any suggestion which your experience enables you to offer as to any improvement which might be made in the system of examination with reference to county surveyors?—I certainly cannot suggest any improvement upon the system as we applied it.

1387. Do you think it desirable that the examiners should be changed occasionally;

sionally; that there should be a rotation of examiners, or a change of examiners?—I do not see any advantage to be gained by that; on the contrary, I think, after a little practice, a person learns to conduct an examination better than he did before. There is this difficulty also to be recollected, that the examiners are without remuneration, and it is not easy to get gentlemen for that office.

1388. The examiners of candidates for Woolwich, I believe, are paid?—Yes; there is a body of gentlemen quite independent of the War Department who are employed upon that duty, and are paid for it.

1389. Do you consider, with reference to such examinations, that it is better they should be conducted by a paid or an unpaid Board?—The qualification of the examiners is a matter of importance. If you can get examiners to act unpaid, of course it is better, if they are qualified for it; for instance, for the academy at Woolwich the original examination was by the professors; then there was no extra payment for that, and they were very proper examiners; but there may not be opportunities of getting examiners without remuneration.

1390. The Board of Works being examiners in the case of the surveyors, of course, as public functionaries, we may suppose they would discharge the duties of examiners without additional pay?—Of course.

1391. But in the event of a change being made in the examiners, and those examiners not necessarily belonging to the Board of Works, do you consider that it is better to have a paid, or an unpaid Board?—I do not see much difference; I cannot conceive better examiners than the Board of Works. The individuals who constitute the present Board of Works, Mr. Griffiths and Mr. Ratcliffe, are so highly qualified, that it is impossible to have better examiners than they are, and no doubt that observation applies to the chief architect and engineer, though I do not exactly know who he is at present. I believe it is considered that there was an impression that there was something unfair in those examinations; I am satisfied that nothing could be more honest and fair than the mode in which they were conducted throughout. They were very laborious and troublesome, but we had no sort of interest in conducting them otherwise than fairly; there was no complaint ever made with respect to them, and if any complaint had been made we would have gone into it, and rectified anything that was wrong.

1392. Can you state whether any of the candidates had been pupils to any of the examiners?—On the first examination there was one gentleman who was not only a pupil, but the son-in-law to Mr. Owen, one of the examiners; his name is Lanyon; he is one of the most superior persons that was ever appointed to such a situation.

1393. He is now county surveyor for Antrim, I believe?—He is the county surveyor for Antrim. There were subsequently some relatives, and, I believe, pupils of Mr. Owen, examined, and Mr. Ratcliffe and myself, though we were perfectly satisfied, yet, in order to prevent any appearance of partiality, took the precaution of having the papers of those gentlemen most accurately examined by other parties, namely, by two engineers who belonged to the Board, who assisted us, and we even took the trouble of sending them to a Mr. Rhodes, who was a first-rate engineer, who had been employed upon the Shannon for two years, and who was entirely unconnected with any one of those concerned. We sent the papers to him to say, "Do you think them a fair specimen?" and he reported most favourably upon them. We were perfectly satisfied as to the honour of Mr. Owen as an examiner, but, to guard against the possibility of any suspicion upon the subject, we thought it better to submit the papers to other parties.

1394. Was the examination conducted according to the Woolwich principle of fixing marks for the number of answers, or how was it conducted?—I do not exactly recollect; but I think we fixed values to the answers.

1395. Was there any publicity given to the time when the examination was to be held, previous to its being held?—I think there must have been publicity given to it, because we had so many candidates; we had in a very short time about 50 candidates, and therefore there must have been public notice, and it must have been very generally known to have got 50 candidates out of one particular profession to come forward, and every candidate was received.

1396. Was there any publicity given to the examination questions after the examination?—I do not think there was; there would have been if it had been asked for. There was not the least wish to conceal anything; but it is not usual to publish the answers given in examination.

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1397. But I mean the examination papers, as is done at the Woolwich examination, in order that the public might have an opportunity of seeing what the questions were which were asked?—No, there was nothing of the kind published; but, as I said before, it was not asked for, or it would have been done in a moment. The fact is, however, that it would have been hardly in our province, because we gave up all those papers to the Irish Government, and they dealt with them as they pleased.

1398. Was the list furnished to the Irish Government immediately after the examination?—Immediately after the examination; as soon as we had time to make it up.

1399. The Commissioners who were appointed to inquire into the Grand Jury Laws in Ireland in the year 1842, recommend in substitution of the existing system, "That the Grand Jury of each county shall be required at such assizes as the Lord Lieutenant, by any order to be by him made in council, shall appoint, to divide the county into as many road districts as in and by such order shall be directed, taking care to place the whole of each barony in one district; that a surveyor shall be appointed for each district by the magistrates, and associated guardians attending at the several baronial presentment sessions comprised therein; that the Lord Lieutenant shall be authorised to fix the salary of each by a general order in council, and by the same order to establish a scale according to which such salary shall rise by length of service, and that the offices of county surveyor and assistant surveyor shall cease." Comparing that with the existing system, which do you think would be likely to be applied with the greatest public advantage?—I think it is going in the wrong direction. I would rather concentrate it more than disperse it. I would rather a few gentlemen were appointed of superior station and of superior qualifications in larger districts, than I would subdivide and have an inferior class of gentlemen to superintend all those works. In the first place, you would not have the qualifications which are very often required for many of those works, and then the subdivision of the works themselves into baronies must be very inconvenient, I imagine, because all the contracts would be made for baronies; whereas I consider it would be better to make your contracts on a large scale for a large body of roads at the same time. My impression always was that the system of county surveyors might have been improved, if there had been some little general supervision over them. In some counties the works we heard were very admirably arranged, and very well performed; in other counties they were not quite so well performed. Now, if there had been a general supervision, then the benefits derived from good management in one county would have been transferred to the other, because there would have been reports made of those which were not quite so well conducted; and those who had the management of them would have been instructed how they might have improved their system, and the counties would have had more security for the efficient performance of their works, because they would have had the security arising from reports from some supervising officer, insuring that the professional parts of their works, of which they were not able to judge themselves, were well executed. Altogether, I think that some sort of general supervision of that kind, without interfering with the grand jury, would be an improvement.

1400. Whom would you appoint in the capacity of supervising engineers?—My opinion is that the Board of Public Works might perform that duty; they would have done it very well and efficiently; there would have been a small expense attending it, but that would not have been much.

1401. The Commissioners of 1842 recommend, in addition to the recommendation which I have already read, "That the Board of Works shall be allowed six assistant engineers, one or other of whom should be assigned each year to each of the six assize circuits; that all applications for presentments for new roads or works should be made to the presentment sessions to be holden before the summer assizes in each year," and that the works should be submitted for consideration to those circuit engineers; do you approve of that recommendation?—I think, in some degree, that works out what I said I proposed.

1402. It states, "That the circuit engineers shall attend before the grand jury, in order to be examined by them as to all points upon which they may think it necessary to obtain information from him;" does that accord with your suggestion?

tion?—I cannot give sufficient consideration to that point at the moment to express an opinion upon it, but it seems to be somewhat in accordance with my opinion of the supervision.

1403. Do you think that that system of supervision over the county surveyors is desirable to be retained, supposing the system of county surveyors to remain on its present footing?—I think it would be very desirable to introduce such system; it is not from any doubt I have of the goodness of the county surveyors at all, but I think it would tend to improve the whole system generally.

1404. With regard to the assistant surveyors, their salary at present is limited to 50*l.* year; do you consider that as sufficient to procure the services of persons qualified to discharge the duties of assistant surveyors?—I do not; I think it is very inferior to what they ought to have as professional men.

1405. What is your opinion with reference to the functions of assistant surveyors?—I really do not know what they are; I presume they are foremen of works, and have to carry out the works and superintend the manner in which they are executed, to see that they are performed according to contract; the county surveyor cannot watch everything with his own eyes, and therefore the assistant ought to be a judge of how the work should be performed.

1406. Do you consider that he requires a certain amount of professional education?—A certain amount of professional education; and he should be a man in whom you can have confidence, because there are great temptations for him to be in collusion with the contractors, and you cannot expect to avoid that, unless you give him a fair remuneration.

1407. Would it be desirable, in your opinion, that the examination for that class of persons should be rendered more stringent than it appears to have been at the time to which your evidence relates?—I think not; I think you might take them upon the recommendation of the county surveyors, making the county surveyors responsible, and attaching a degree of discredit to any who misused that confidence.

1408. Do you think it desirable that the appointment of those officers and the dismissal of those officers should rest with the county surveyors?—Yes; I think that the appointment and the dismissal should be subject to the control of some party, on their recommendation; the Board of Works, or some party who should see that there was sufficient reason for the one or the other.

1409. Mr. *Herbert.*] With reference to those assistant surveyors, a suggestion has been made to the Committee that they should be altogether a superior class of persons, who might eventually look to become county surveyors; is it your opinion that such a class as that would perform the minor duties of assistant surveyor satisfactorily?—I should think very few that entered upon that class of duty would ever attain the qualifications necessary to make a county surveyor.

1410. Would not a great portion of their duties be of such detail, and, if I may use the expression, of such a low class of mere mechanical work, that men of acquirements would feel them to be distasteful?—Certainly; no men of any acquirements would retain the situation long; they might, in the exigency of the moment, perhaps, take it, but the nature of the duty is not such as would probably enable them to improve themselves to such a degree as to entitle them to that sort of promotion.

1411. Do not you think that something more in the shape of a superior steward, or that class of men, would be desirable for the duty of assistant?—Certainly; if they are to become county surveyors, they ought to be subject to the same examination which the others have gone through.

1412. But is it your opinion, that a class of young men of superior attainments, looking to the situation of county surveyor, would perform that inferior class of duty as well as a lower class of men, who would be more accustomed to what I may call the rough and ready kind of work which is required of assistant surveyors?—I do not think they would; you might perhaps suppose that young men might enter upon that situation who were still pupils learning their profession, but I imagine that the occupation would be so constant, that they would not have time to go on with their educational pursuits so as to qualify them for the superior situation.

1413. In fact, the greater portion of their duty, such as measuring materials and the superintendence of common works, and those ordinary details, would not improve a young man in his profession, would they?—It would not, certainly, and they would be so constantly employed upon their duties, that they would not have

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have time for any other pursuits; at the same time, I think that with the services of those assistants you might in great works have a superior class of assistants to take the duties in some measure which in smaller works belong to the inferior class of assistants.

1414. That would rather point to having, besides the present duties performed by the assistant surveyors, an intermediate stage between them and the present county surveyors?—I think that probably, in very great works, would be very desirable.

1415. You have been so long away from Ireland now, that I hardly suppose you can answer the question whether, in the present state of Ireland, there are so many large and new works as to render that arrangement necessary?—I am not aware; of course it must depend upon the question of whether there are any great works going on.

1416. How would you propose that the expenses of those head engineers should be paid, by the counties or by the Government?—I should prefer it by the Government; it would make them, I think, more independent, and they would be more useful. I do not know that there is any reason to object to that.

1417. They would, of course, be a very high class of men, and require very handsome salaries, would they not?—No; my idea was, that the Board of Public Works, through their own officers, could frequently give that supervision with very little expense to the public, or to anybody, beyond just a few travelling expenses. For instance, the Board of Public Works have works in all parts of Ireland, or they used to have, and they have to send very often an engineer of high character and considerable acquirements to examine those works; and during that time he might visit the county works in the neighbourhood, and make a report upon them; and in that way, I think, it might be done very usefully, and at very little expense.

1418. I suppose you would consider that supervision simply necessary with reference to new works of considerable magnitude?—With reference to new works of considerable magnitude, and also occasionally to examine into the general system of minor works.

1419. You mean into the general system of works of maintenance?—Yes; road making, or any work that is going on.

1420. Can you form any opinion upon the point of whether county surveyors should be allowed to practise in private, in addition to the performance of their public duties?—Yes; I remember that peculiar question being brought forward, and my impression was that it would be very desirable to allow them to take private practice. I remember the case of Mr. Lanyon; he had private practice, and the consequence was that he retained the situation, being a very superior man for it, and one who would hardly have kept it on any other terms; he gave his superior talents to the discharge of those duties; he had his own draughtsmen and his own clerks and others, who worked out the general details; and the consequence was, that the county got a very superior man at a very small rate. If there was any complaint made of neglect of duty as county surveyor in consequence of having private practice, it should be put a stop to.

1421. I gather your opinion to be, that preventing county surveyors from exercising private practice would rather have the effect of deteriorating the class of men you wish to see appointed?—Decidedly.

1422. You are of course aware that the grand jury have the power of dismissing the county surveyor?—I am.

1423. I presume that you think that would be a sufficient check to prevent the county surveyor spending too much of his time in private duties, and thereby not performing his public duties efficiently?—Certainly; I think it quite a sufficient check.

1424. Mr. *Magan.*] I think you said you would like to see the county surveyors under a certain degree of general supervision?—Yes.

1425. I understand you to mean supervision by officers under the Board of Works in Dublin?—By officers under the Board of Public Works.

1426. You do not intend to convey to the Committee by that that you would wish to see the county surveyors abolished, and circuit surveyors sent round to supervise an inferior description of people, to be called district surveyors?—Not by any means. My idea was, assuming that the county surveyors would remain as at present, that this supervision should be more in the nature of advice and assistance given to the county surveyors and to the county generally, by affording information

information as to improvements existing in other parts, and in the character of the works and improvements that could be made in the mode of carrying out their duties.

1427. You stated that one of the examiners had examined his own pupils?—Yes.

1428. You mentioned his name?—Yes, Mr. Owen.

1429. Do you know how many of those pupils were examined in the examination of 1834, over which he presided?—In 1834 I believe there was only one, namely, Mr. Lanyon.

1430. Do you know how many there were examined in the examination of 1838?—I do not know exactly; I know there were some.

1431. Four?—I believe so.

1432. You thought it necessary to take some precautionary steps with regard to examining the answers given?—We did not think it necessary on account of any doubts we had in our own mind, but we thought it desirable in case any question was raised about it, that we should be able to show that we had not trusted implicitly to Mr. Owen for the examination of those gentlemen, and therefore we had the papers submitted to other and quite independent engineers, to confirm our own opinions upon them, and they were of opinion that they were very good.

1433. This idea having struck you, did it never strike you also that it was unfair towards the other candidates to allow the pupils of this examiner who had been prepared by him, and therefore had had greater facility for preparing for the peculiar questions to be put than was possessed by the others, to be competitors with them under his examination?—Under the precautions which we took, I do not think there was anything unreasonable in it, or incorrect. I think you must have practical engineers upon your Examining Board, and I think it would be very unreasonable and unwise to preclude any of their pupils ever coming forward for examination. I must say that I had that sort of faith and confidence in those parties themselves, and in the other gentlemen associated with them, to feel quite assured that there would be nothing improper in consequence of it. The only mode of proving the case would be to put your finger upon any individual who is marked as incompetent, who has been passed by the examiners, who can be shown to have been incompetent, and not to have given satisfaction. I do not think the system is bad, and I think it is not easy to show that it is bad, unless you can point out the individuals who prove it to be so.

1434. My question went more to the effect that it was unfair to the public body of candidates that they should have to compete with those prepared by one of the examiners, who must have a better knowledge, and who must have been better instructed as to the nature of the examination they had to undergo, than could be possessed by the others?—If in the case referred to, he had been the sole examiner, there might have been some little reason to fear it; but I do not think, as it was, that there was any reason for such fear.

1435. Mr. *Macartney*.] Under the Public Board of Works Acts the law contemplates in certain cases a certain amount of supervision upon the part of the Board of Works. I allude to the cases in which counties, under the provisions of those several Acts, make applications for loans to execute great works. Previous to granting the loans I believe it is necessary that the Board of Works should send down an engineer independent of the county, to report upon the nature of the works, the estimates, and how far they are such as ought to be executed for the county, and the money to be advanced upon them?—That is so.

1436. In many instances, I think, in the county of Antrim and the county of Louth, and one or two others, you had from time to time to send down engineers to report in that respect?—We had upon that system.

1437. And you conceive that from the superior engineers that the Board of Works always have upon their establishment, it would be important to the counties, and also advantageous to the county surveyors, that a general communication and and supervision, to a certain extent, of great works, should take place by persons independent of the county altogether?—I did not mean that they were to have the supervision of the works, or any control over the works whatever, but merely to have a sort of advising supervision, to make a report of the mode in which, according to their conception, they thought the work was carried on, or should be carried on.

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1438. Do not you conceive that such an officer would be rather advantageous than the reverse, to be in communication with the county surveyors upon the great works of the county?—Certainly.

1439. The county surveyors would reap advantage by communication with such men?—Certainly.

1440. It would not be derogatory to their position as county surveyors?—Not at all.

1441. But merely affording a stronger guarantee to the public and to the counties, that the conduct of the works by the county surveyors was properly carried out?—I think so; I think the county surveyors would get advice, and it would ensure the introduction of many novelties which come out daily for the improvement of works, which would be communicated to them, whereas now they are, as it were, buried in the counties, and they have no knowledge of what is going on in other parts of the world in that respect.

1442. I believe that all matters connected with the Loan Commissioners, who used to lend money in Ireland previous to the esablishment of the Board of Works, and all the accounts of arrears due upon those loans from counties and individuals, were handed over to the Board of Works?—They were.

1443. Are you able to say from your examination into the circumstances of those accounts and those documents, that previous to the establishment of the Board of Works, in very few instances where a loan was obtained was the work done for the estimate?—No, I am not; I do not remember how that was.

1444. But you are in a position to say this, I think, that all the works submitted by the counties to the Board of Works during your connexion, and approved previous to obtaining a loan, so far as your recollection goes, have been completed for the original estimate and on the original plans?—I think they have in the case of those that were submitted by grand juries and by counties, but that was not the case with those that came from individuals.

1445. But as regards county works submitted, and upon which loans were advanced, the result was satisfactory?—I always thought they were very honourably proposed and very honourably executed, and the loans worked very fairly and very properly, according to the intention of the Legislature.

1446. There was a matter which was carried out when you were at the Board upon which public opinion was divided, namely, as to grants in aid of county works?—Yes.

1447. Is it your opinion that those grants might be carried out to a greater extent, with advantage not only to the counties, but to the country?—I think so; particularly under the circumstances of Ireland at that time. I think the grants might have been made to very great advantage to a more extended degree.

1448. Considerable grants were made to three or four counties, I think, in your time?—I do not exactly recollect. I think there were more in the West, in Connaught, than anywhere else.

1449. I allude to the county of Antrim. There was a considerable grant made to that county?—There was a considerable grant.

1450. Is it not the fact that those grants have constantly induced the counties to carry out much larger works, and to expend larger sums for the benefit of the county, by reason of those grants, than they otherwise would have done?—I think they were very beneficial to the counties. The counties contributed about two-thirds, and the Government one-third, for the execution of works of very great public improvement.

1451. The system of lending money by the Public Works Commissioners is at an end now?—I was not aware of that.

Mr. *John Hill*, called in; and Examined.

Mr. *J. Hill.*

1452. *Chairman.*] OF what county are you the Surveyor?—Of King's County.

1453. How long have you been in that office?—Since June 1855.

1454. Of what county were you the surveyor previous to that time?—Of the county of Clare, for 10 years.

1455. Did you discharge any other duties in connexion with public works in Ireland previous to that period?—I did; during the greater part of that period I was superintendent of 220 miles of road, under the Board of Public Works.

1456. Was

1456. Was that in the county of Clare?—One hundred and fifty miles were in Clare, 20 miles in Limerick, and 50 miles in Galway, adjoining Clare. I was appointed as superintendent of roads in 1843, and I was appointed county surveyor of Clare in December 1845.

1457. Can you state the mileage of roads under your supervision as surveyor of the county of Clare, and the cost of those roads?—Recently there are about 1,000 miles of road in the county of Clare under contract, at a cost of 11,000 *l.* per annum.

1458. In what manner did you discharge the duties of surveyor; to what extent personally, and to what extent through assistants?—I prepared and revised every plan relating to works, and prepared every specification relating to contracts for works, since I was appointed.

1459. That you considered to be a part of your personal duties?—Yes; the assistants were not employed upon that at all.

1460. Is that your practice now in King's County?—It is; in the examination works and the investigation of applications for payment for the execution of works, I only employ the assistants to measure materials, to serve notices on contractors, and to make intermediate inspections for me.

1461. Have you been able to perform those duties to your satisfaction in the counties in which you have served as surveyor?—In Clare it was an extreme labour; I left it principally on that account.

1462. You thought it too much?—Too much for any one with the salary I received.

1463. There is only one county surveyor in the county of Clare?—That is all.

1464. Have the duties of county surveyor in the counties in which you have been connected, increased considerably since 1842?—Very considerably.

1465. Can you give the Committee any idea of the extent of that increase?—In Clare there were above 100 miles of new roads made during the time I was employed. There were 152 miles that I had charge of under the Board of Works, which were given up to the counties in the year 1854. There were a considerable number of bridges rendered necessary by the drainage operations in both the counties; duties very considerably increased in both.

1466. Your duties, therefore, have increased very considerably?—Very considerably.

1467. Has there been any additional remuneration given in consideration of those increased duties?—None.

1468. Then your remuneration has diminished in consequence of those roads which were under the charge of the Board of Works, and over which you exercised a supervision, having been handed over to the counties?—Yes; the salary I received for the works in charge of the Board of Works ceased when they were placed under the counties.

1469. So that whilst your duties have increased, your remuneration has diminished?—My remuneration in Clare diminished.

1470. You were examined, of course, previous to your appointment?—I was.

1471. Was the examination of an elaborate and scientific character?—It was; I was 22 days under examination, I recollect, in 1841.

1472. How did you receive notice of the examination?—I cannot give the Committee any information about that; I received a letter from Mr. Payne, who was then secretary of the Board of Works, but how he came to know me, or anything about me, I cannot tell; I do not recollect making any application; there was no publicity; but I received a letter from the secretary.

1473. Do you think it desirable that there should be publicity previous to an examination taking place?—I do.

1474. Do you consider it was desirable that the examination should, as far as possible, be competitive?—Decidedly; I believe the other examinations were competitive; we always understood so.

1475. Is it desirable in your opinion that publicity should be given to the questions after the examinations?—Yes; I think that they ought to be something similar to the Woolwich examinations, with the comparative number for each candidate.

1476. Would it be an advantage in your opinion that the result of the examinations should be made known as soon as possible?—As soon as possible; the successful candidates should be informed of the order in which they stand.

 1477. Therefore

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1477. Therefore you do not concur in what appears to be the view under the present system, as expressed in a circular read by a witness on the last occasion; namely, that the result should not be made known except by the Board of Works to the Government?—It should be made known to the candidates; it is a very great evil that it is not, because they will have to make arrangements according as they succeed at the examination, or not.

1478. With regard to the Board of Examiners, by whom do you think they ought to be appointed?—I think by the Lord Lieutenant or the Imperial Government.

1479. Do you think it desirable that they should be changed, or that they should be permanent?—I think they might be changed with advantage occasionally.

1480. Do you see any objection to allowing the pupils of the examiners to compete?—Very great objection.

1481. Will you state your grounds for that opinion?—The grounds are the feeling of jealousy which other candidates naturally entertain towards those who they consider have had unfair opportunities.

1482. Do you think that the system of competitive examination can be properly or fully carried out unless the examination is left open to all?—I would certainly exclude all pupils or near connexions of any of the examiners who were appointed.

1483. You think that the publicity of the examination probably would not be a sufficient check against the possibility of the advantage which might result from a man being a pupil of one of the examiners?—I do not think so.

1484. What is your opinion with regard to the expediency of providing a superannuation for surveyors in case of their suffering in the public service, or having spent a certain number of years in the public service?—I think it an act of justice to the surveyor, and on public grounds very useful.

1485. Have you known any instances in which the public service has suffered from the want of it?—I do know an instance of it, namely, the case of a surveyor retained in a county where he is physically unable to discharge his duties, from a kind feeling on the part of the grand jury in not wishing to remove him without making a provision for him.

1486. Can you state what the necessary outgoings connected with your office have been, your salary being 300 *l.* a year?—In Clare they were at one time as high as 160 *l.* a year.

1487. Leaving your actual salary only 140 *l.*?—£. 140.; in my present county they are fully up to 100 *l.* a year.

1488. How many assistants have you in King's County?—Three.

1489. What class of persons are they?—Neither of them is what might be considered a professional man; there is one of them a very old experienced road maker that I had employed under the Board of Works; there is another man I have there, who was a considerable time an overseer with Mr. Dargan, the contractor; and the third is a person who had no special knowledge on the subject, but was appointed three or four years ago.

1490. Are they efficient for your purposes?—They are.

1491. Do you see any reason for increasing the salary of assistant surveyors, or of placing them in an improved position as respects education?—Their salaries are wholly inadequate, and they are very discontented indeed.

1492. You have stated that you find efficient persons for the existing salaries?—Yes.

1493. Then is it only on the ground that they are dissatisfied, that you think they should be more highly paid?—They are very much dissatisfied, they are continually complaining.

1494. What extent of mileage have your present assistants to supervise?—At present one has 300, and the others have about 200 miles each.

1495. Can they discharge their duties without using a horse?—They cannot.

1496. Are they obliged to keep horses?—They are; they have other resources, to enable them to keep horses.

1497. You have heard the evidence given by other witnesses in reference to the defects and suggested improvements in the existing law as regards the duties of county surveyors; do you concur in those suggestions generally?—I do.

1498. Have you anything else to suggest in that respect?—The principal defect to which I should like to call the attention of the Committee, is the want

of

of more frequent payment to the contractors for maintenance, and of prompt payment to other contractors.

1499. That was suggested by two of the previous witnesses?—It was.

1500. As to the mode of providing a fund, have you anything to suggest beyond that which has been suggested by other witnesses?—I do not know whether the other witnesses stated that the levy of county cess should be by estimate instead of by the present mode; I think it would be most desirable it should be so.

1501. Mr. *Waldron.*] You have given these matters a great deal of consideration?—I have.

1502. What, in your opinion, would be the most economical and best system to adopt for the conduct and management of county works?—I do not think there could be a better than the present system.

1503. What is the emendation you would suggest, if any?—The emendation is, that in the larger counties I consider you would require assistants of a superior grade to what you have in the other counties. In the county I am in myself, I would not seek for any such assistants. I am quite competent to do the duty myself; but in such counties as Galway and Tipperary, or Kerry, or Antrim, I think it would be most desirable to have superior assistants.

1504. I understand it to be your opinion that with a surveyor, a deputy-surveyor and the assistant-surveyors you have now, you think that no improvement can be made in the system in Ireland?—I think so.

1505. Do you think it would be a more economical arrangement than the one existing at present?—It would produce more economy in the execution of the works and greater efficiency; but it may cost more to the counties for supervision than at present.

1506. You mentioned that you resigned the surveyorship of Clare because you found the duties too severe?—I did.

1507. I find by this table that you had three assistants in Clare?—Four.

1508. You had four in Clare, and but three in King's County, which is the larger county?—No, King's County is not much more than half the size of Clare. Clare is 827,000 acres, whereas King's County is only 493,000 acres.

1509. You say that your actual nett receipts in Clare were but 140 *l.* a year?—That was the nett amount of the surveyor's salary at that time. I had another salary for the superintendence of public roads.

1510. Have you any suggestion to make as to whether the surveyor's expenses should be paid by the county instead of by the surveyor?—I think it would be but justice that the county surveyor should have a fair salary, in proportion to the amount of duties he has to perform; and I think it would be conducive to the public interest, if he were paid his expenses.

1511. Do you think it would increase his efficiency, and also induce him to visit the roads oftener than he does at present?—Decidedly so.

Mr. *Horace U. Townsend*, called in; and Examined.

1512. *Chairman.*] YOU are now Surveyor of Queen's County?—Yes.

1513. When were you appointed for Queen's County?—In August 1845.

1514. Of what county were you surveyor previously?—North Tipperary from May 1839.

1515. When were you examined?—In December 1838.

1516. Was the examination a stringent one?—Very much so; I was examined for 10 days, each day from 10 in the morning till five in the afternoon, and I became knocked up by the close confinement and the excitement; I had to stay away some time under a doctor's care, and go back again for further examination.

1517. Will you describe the extent of your duties in the county with which you are at present connected?—The average number of miles of road under repair in Queen's County is between 800 and 900. There are new works going on constantly, and in addition there is the attendance upon sessions and assizes.

1518. The ordinary duties?—The ordinary duties.

1519. Have you assistants in Queen's County?—Three.

1520. What number of assistants had you in North Tipperary?—Three.

1521. To what extent are you able to perform your duties personally, and to what

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what extent do you perform them through your assistants?—The assistants I only use for the details of work, measuring materials, and making more frequent inspections than I can make; but my rule is to see the works myself as much as possible, and that is with scarcely an exception, at least twice a year; most of them I see four times a year.

1522. Do you consider it a part of your duty to inspect the works yourself personally before you give certificates for payment?—With scarcely an exception, I always do so.

1523. Have your duties increased of late years in either county?—Yes. The tendency has been to increase in both counties.

1524. Had you the supervision in either county of roads connected with the Board of Public Works which have since been given up to the counties?—In North Tipperary I had.

1525. Did you receive payment for the supervision of those roads from the Board of Public Works?—I did.

1526. You receive, of course, no additional payment for superintending them now?—The surveyor that is in Tipperary now does not; I am not the surveyor there now.

1527. With regard to the preliminary examination, you have heard the evidence of the last witness; will you state to the Committee whether there is anything you can suggest in addition to his suggestion; do you think it desirable that publicity should be enjoined previously to any examination being held?—Decidedly.

1528. What is your opinion with regard to giving publicity to the examination papers subsequent to the examination?—I see no objection to that.

1529. You see no objection to that?—Decidedly, they will get publicity in a smaller and more confined way without it, and therefore I would give the additional advantage of full publicity. I omitted to state that I draw up all the specifications and make plans myself for all the works in the county.

1530. Then, in point of fact, you consider that you are able to perform the duties which, properly, according to your opinion, belong to the office of county surveyor in the Queen's County?—Decidedly; and would be able to do so in a larger county, I have no doubt; I have no difficulty about it, except the insufficiency of the remuneration.

1531. With regard to the functions of assistant surveyors, do you consider it would be desirable to improve their position, either in point of salary or education?—In point of salary decidedly. In point of education I think they would be less useful to me if they were more highly educated; that is, if they were gentlemen.

1532. Did you yourself select the individuals who are your assistants in the Queen's County?—Yes.

1533. What means did you take to ascertain their competency?—I examined them myself; character was what I was obliged to look for most, and from the very small amount of remuneration I found it very hard to get a man combining all the qualifications of experience and good character. As character was the most important consideration of the two, I had to take up a lower amount of professional qualification. In fact I had to look out for men who had some other means of supporting themselves, besides their salary.

1534. What means have your assistants independent of their salaries?—One is a poor-rate collector, one is a petty sessions clerk, and another holds a farm of about, I believe, 25 acres.

1535. Do the duties of assistant surveyor require that the men should keep a horse in the county?—They do; that is to say to do the work efficiently. One man walks a great deal, and he certainly does his duty well; but I think he will not last very long if he continues to do his duty on foot; he has to hire cars occasionally.

1536. Then am I to understand you to mean that the only suggestion you can make with reference to the assistant surveyors is, that their salaries should be somewhat increased?—I think it would be better if there were some proportion in the number of assistants to the duties in the several counties.

1537. Do you mean that the counties should be classified according to the mileage, or on some principle, and that the number of assistant surveyors should be determined according to the classification of the countries?—I think it very desirable.

1538. Do you think it desirable that the county surveyors should have, as at present, the power of the appointment as well as the dismissal of assistant surveyors?—They have not at present by law the power of dismissal, but virtually they have the power; I think the power of appointment should be with them as at present.

1539. Then you have private practice in your case?—To some extent.

1540. Do you consider it desirable that county surveyors should be permitted to take private business?—Decidedly.

1541. Have you any suggestions to make with reference to the improvement of the grand jury law as regards the duties of county surveyors?—I think that the time specified in the Grand Jury Act of 10 days' notice of works is too short. Sects. 11 and 14.

1542. What extent of notice would you have?—I find it is 21 days in the Dublin Grand Jury Act, and I think it might usefully be extended to 30 days.

1543. Have you any other suggestions?—I think that under the 54th section, (which is the most important one perhaps as regards the larger portion of the county works in Ireland, maintenance works), that the power of the surveyor to expend money on a neglected road should not be limited by the contract, because the roads most likely to come on the surveyor's hands through neglect, are those on which the amount is insufficient to leave a margin for profit for the contractor. I would propose that the surveyor should be empowered to go as far as the limit of the sessions.

1544. That is to say, a road being taken possession of by the county surveyor in consequence of the non-performance of his contract by a contractor, you think the county surveyor should have power to lay out more than the sum for which the contract was originally made?—Yes; but not more than was approved of at the sessions.

1545. How would you provide a fund for that purpose?—I would if necessary enable the grand juries to levy either upon the counties or baronies, whichever might be thought most desirable, a fund to constitute a "General Purpose Fund." Then again, I think the 128th section should not be restricted to sums over 20 *l.*; it would be desirable to take off that limitation; the section has reference to "advances to contractors on certificate of surveyor for works in progress."

1546. Do you consider there should be any limitation in the power and discretion of the county surveyor in making payments to contractors in the progress of their works?—No; the section gives the surveyor power over large contracts, but does not give him power over small ones. I would propose to give him the same power over the smaller ones that the law gives him at present over the large ones.

1547. What is the extent to which the county surveyors have power over large works?—Not exceeding three-fourths of the amount.

1548. You consider it desirable that that limitation should be preserved?—Decidedly.

1549. Have you any other suggestion to make?—I think some provision should be made to enable grand juries to present for the costs of actions brought against a surveyor in the discharge of his duty.

1550. That is to say, the grand jury being satisfied that the proceedings were taken against him for acts done in the proper discharge of his duty?—Yes.

1551. Have you known instances in which surveyors have been subjected to expense or inconvenience by reason of actions brought against them under such circumstances?—I was myself processed by a contractor for 40 *l.*, the ground of action being that I had withheld his certificate. I had to take defence; he ultimately withdrew the action, and therefore I had no costs to pay, but I had a great deal of inconvenience and annoyance. With respect to the 162d section, with reference to procuring materials, I find a practical difficulty, or the contractors rather find a practical difficulty, in getting entrance into grounds, even with a magistrate's order, which the latter part of the section requires. There is a system of appraising injury done to land laid down by that section, and it is not sufficiently clear.

1552. What is the ambiguity?—The appraisers must view the ground before they begin their valuation, and before the damage is committed. When the magistrate is giving an order, he must name in the order who the appraisers are to be, and there is great difficulty sometimes in getting the appraiser of the landowner to attend, or in getting the landowner to appoint an appraiser.

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1553. Is there no power of entering upon the land until the damage is appraised?—So the section has been read sometimes in the Queen's County petty sessions.

1554. And therefore the public road cannot be repaired until the appraiser thinks proper to attend, or the landowner thinks proper to appoint an appraiser?—Just so. There is a provision that if the contractor does not think proper to appoint an appraiser, a neighbouring justice of the peace can appoint one for him; but if the occupier of the land does not so appoint, there is no provision to meet that. I should add, that the law also requires a third person to be named as appraiser by the neighbouring magistrate, and I would propose that the appraiser so appointed by the magistrate should have power to view and make award for injury in the case of the non-appointment or non-attendance of the contractor's or landowner's appraiser (either one or the other), or in case they do not agree; but at present, even though they may attend, if they do not agree, the law appoints no remedy.

1555. Therefore the law is defective at present in providing a summary mode by which the surveyors or contractors can obtain materials for the repair of the roads?—Yes. There is one point more which has not been alluded to, so far as I recollect, by any of the previous witnesses, and that is, that contracts made for, say seven years, under the Act for works of maintenance, continue until the expiration of the seven years, even though there may be a breach of contract during every year of the seven. There is no legal provision for annulling the contract that I am aware of.

1556. For destroying its validity in point of law?—For destroying its validity in point of law; the contract and bond both go on in full force, and though the contractor does nothing, he is still the contractor for the work.

1557. Have you known of any instance in which a contractor has taken proceedings against the county surveyor, where the county surveyor has undertaken the performance of the contract, as the law enables him to do?—I have not known that, but I have heard of such proceedings being taken. I would beg to propose, with reference to the matter of vacating a contract, that certain powers should be given to the grand jury, on the application of the contractor, to annul the contract with the consent of the Attorney-general, or that the barrister at quarter sessions should have the power of granting a decree for annulling the contract.

1558. Take the case of a large contract for the construction of a bridge; that contract is made by the contractor with the county; I believe under a bond with the Crown?—Yes.

1559. And therefore the obligation is with the Crown?—Yes.

1560. You have a difficulty in annulling that obligation?—Yes, as the law now stands. I submitted a case once to the law adviser of the Crown, and got his opinion, that at present, with the assent and consent of the grand jury and the Attorney-general, it might be done; but there is no legal provision for it, and some grand juries will not do it without a legal provision; however, as the Attorney-general is always represented at the Assistant Barristers' Court, I should think there would be no difficulty; there is, in fact, an officer, the Sessional Crown Solicitor, who represents the Attorney-general, and always conducts proceedings for breach of contract at the court of quarter sessions; and I think that would be the best court to give the power to, as not being concerned in the contract, or anything with reference to it.

1561. Mr. *Herbert.*] Has that want of power of entering upon lands for materials practically caused great inconvenience?—In some few cases it has.

1562. Are you aware that in many cases inconvenience has arisen to the owners or occupiers of land, in consequence of the powers which are already possessed?—I am aware they consider it so.

1563. Is not the power to go into a man's property, and dig and destroy the surface, one which ought, under any circumstances, to be exercised with extreme caution?—Certainly.

1564. Therefore, if the want of the power which you require has not caused very great public inconvenience, do not you think great caution should be observed in increasing that power?—I do not think it would increase the power which the law intended to give; it seems to me to be an omission; it was founded upon the supposition that a land occupier on whose land the magistrate was of opinion that materials ought to be procured, knowing that materials must be procured, would for

for his own sake appoint an appraiser in order to be paid for the injury done, and it did not contemplate his taking this means of passive resistance, to prevent that which the magistrate thought ought to be done.

1565. Are you aware that these appraisers, where they do act, give damage according to the mere surface injury done, or do they take other things into their consideration?—The Act of Parliament is specific upon that; the damages to be assessed for "injury done in breaking the surface, and making a passage through the lands," unless where a quarry is demised with liberty to sell.

1566. May it not frequently happen that scarcely any pecuniary consideration can compensate a person for giving another person power to enter upon his land, and dig up the surface?—True.

1567. Have you not known instances where the power has been exercised in a way to give, at all events, very considerable annoyance to the owners and occupiers of land?—Yes.

1568. Then those are reasons for being very cautious, are they not?—I think in every case the going into a man's land to procure materials must be a cause of annoyance to the man who holds that land.

1569. Have you ever known it as a fact that valuable trees have been destroyed, ornamental trees, by the exercise of that power?—No; I cannot say that I have.

1570. *Chairman.*] What I understand you to mean is this, that you do not desire to diminish the reasonable protection to the occupiers of land, but to provide a more summary mode by which the materials might be obtained?—My object is to prevent the occupier from exercising a mode of passive resistance, doing nothing, and bringing the law to a dead lock because he does nothing. I am supposing a case in which it is perfectly legitimate that the materials should be procured in the place in question; I only suppose that case. I do not want at all to get additional power above what it seems to me the law intends us to take.

1571. Mr. *Herbert.*] But I think you stated that you were not aware that the present state of the law caused any general inconvenience?—I do not see how it can be altered in that respect. You must get materials somewhere, and wherever you go you must cause annoyance and inconvenience.

1572. But I think you stated that the present powers that are possessed by law have been sufficient in the great majority of cases, and that no great public inconvenience has arisen from the want of increased power?—No great inconvenience; some few parties are aware of this legal flaw, and they exercise their power to defeat the provisions of the section in the Act.

1573. Do you not believe that the class of persons who are contractors, and who enter into people's lands, are exceedingly careless as to closing up gaps in fences, and that the occupiers of land are frequently subjected to very great inconvenience in a shape that can scarcely be appraised?—I do believe it.

1574. Do you think it would be desirable, supposing this increased power that you wish for were given, that it should be accompanied by more stringent regulations as to the mode of proceeding by contractors, when they enter into lands in the mode which has been described?—I think you must misunderstand me. I do not wish for any increased power; I merely wish that what seems an omission in the Act with reference to the appointment of an appraiser, should not be left, as at present, a means of preventing what I think the law intended. I would not wish for any increased power, for I think the powers are sufficiently full under that section.

1575. But still it is a new power, surely, if you require a clause to be amended giving some additional machinery by which the power can be carried out; it is practically a new power, is it not?—It may seem so; but I altogether repudiate any wish for a new power; if it has that effect, I do not wish for it.

1576. Mr. *Waldron.*] Is it not the fact that contractors constantly leave the gates open out on the high road, and the cattle of the occupying tenant stray out on the road, and he suffers for the negligence of the contractor?—I believe they are very negligent about gates.

1577. And there is no remedy against the contractor?—I am not aware how the law is in that respect; I suppose it provides some remedy.

1578. It is usually, in the case of gravel-pits, I believe, that the great annoyance arises, not so much in the case of quarries?—Gravel-pits generally.

1579. Do you approve of the suggestion of the last witness as to the appointment of an intermediate officer between the county surveyor and the assistant surveyor?

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surveyor?—Not in the smaller counties, only in the larger counties; it would be an unnecessary expense in the smaller counties.

1580. What mileage would you give in charge to each assistant surveyor?—In that matter I should take into calculation the roads of the country as well not under contract as under contract, and then probably about from 200 to 250 miles would be quite enough.

1581. You mentioned that you thought it desirable that the county surveyors should be allowed to have private practice?—Yes.

1582. What is your reason for that opinion?—The reason that Sir John Burgoyne gave also had struck me, that you will get a better class of officers at the same amount of salary to undertake the duties; and another is, that it would be as well for the public and but just to the officer, to allow him to take private practice; for you will only find the active, hard-working and efficient officer getting this private practice.

1583. You mentioned that you thought the cost of actions against a surveyor for acts done in the discharge of his duty should be borne by the county on presentment by the grand jury?—If they so thought fit.

1584. Have you known any instances in which a surveyor has been obliged to pay costs for anything of the kind?—I have not known it; but I have heard of such cases.

1585. Do not you think the grand jury would instruct the county solicitor to defend the surveyor in any case of that kind?—If the grand jury knew that such a thing was contemplated, I believe that under this Act of Parliament the 16 & 17 Vict. c. 136, s. 6, they have the power; but if an action is instituted after the grand jury separate, in such a case I fear they would not have power to present, *ex post facto*.

1586. If the landowner failed to appoint an appraiser, how do you propose to supply that omission?—By the machinery which the law supplies; let the appraiser appointed by the magistrate, and necessarily appointed in every case, for the law requires it, have the power to appraise without the presence of the landowner's appraiser, if the landowner does not choose to appoint one, or if the appraiser does not attend.

1587. Then you would have but two?—If the other will not come.

1588. That is the case which I am supposing?—If they do not agree, whether two or three, I would give the magistrate's appraiser, who has no interest in either party, the power to make an award.

1589. That would be, in point of fact, giving the magistrate's appraiser two voices in the matter, would it not?—Probably it would; but the magistrate's appraiser is totally disinterested, I look upon it.

1590. Mr. *Herbert.*] Did you ever know a contractor to enter in and break a man's fences down?—Yes.

1591. For the purpose of getting materials?—Yes.

1592. Is it the custom when they make those breaches in fences to put up substantial gates?—Not substantial gates.

1593. Did you ever know a real good gate put up by any one of them?—I cannot say that I did.

1594. Did you ever know a gate at all put up?—I would not like to say that I knew it; but I think I have seen gates put up; however, I fully agree with the view put forward, that there is great neglect upon the part of the contractors in such cases.

1595. Have you ever known them make very awkward holes in the fields of occupiers, calculated to cause accidents to cattle in those fields?—I have not known it; but there was one case in which an action was taken against a contractor, for digging a large number of holes, and he had to compound; they would have amerced him in very heavy costs, I imagine, if he had not compounded.

1596. *Chairman.*] You heard the evidence of Sir John Burgoyne with reference to the expedient of having circuit surveyors exercising supervision over county surveyors; do you think such an appointment would be acceptable generally among county surveyors?—Probably not; but it might possibly have some advantages in producing uniformity of action.

1597. Do you think it would be calculated to lessen the responsibility of county surveyors?—I think it would rather have that effect.

1598. You also heard the suggestion of Sir John Burgoyne that it might be desirable

desirable to have a classification of assistant surveyors; do you concur in that?—Fully; and such is the opinion of the surveyors generally as a body.

1599. Will you explain what you mean by that?—The idea of the surveyors as a body is, that there should be a county engineer, and in some few instances county engineers; two in some very large counties.

1600. That some counties should be divided where they are too large for one?—Yes.

1601. Do you mean that a county should be divided, or that there should be two engineers for one county?—In some very few instances there should be two engineers for one county.

1602. The county not being divided?—Divided only as far as regards the engineers; Cork, for instance, must be divided.

1603. You mean divided for the purpose necessarily of the county surveyors?—Yes; Tipperary is the only county in Ireland divided for fiscal purposes generally; it must necessarily have two surveyors, I look upon it, for in point of fact, as regards fiscal matters there are two separate counties; Cork from its size must necessarily be divided; it may be a question how far you will go with the divisions below Cork; of course that must depend upon the officers appointed to the county. You might get a man qualified to do the business of Galway, but you might not; in the very large counties, I think it would be very useful to have an assistant engineer.

1604. Will you explain in what way you would connect the assistant engineer with the county engineer in that case; would you make his duties general to act under the direction of the county engineer, or do you contemplate that he should be given some portions of the county to supervise particularly?—I would make his duties general under the orders of the county engineer.

1605. A sort of aide-de-camp to the county engineer?—To be assistant to the county engineer for general purposes, having undergone an examination equal to that of the county engineer himself. You would probably get young engineers to fill such a situation, and it would not only be necessary to have one such in the very large counties, but it might be useful to have the power to appoint one, as was suggested by Sir John Burgoyne, for the superintendence of special works, even in the smaller counties occasionally.

1606. In whom do you propose that the appointment of those assistant engineers, as you call them, should rest?—I think the way that would work best, probably, would be, that a list of those who were found to be sufficiently qualified should be made, and that the surveyor should have the power to select from that list him who he thought would work best with him; I think it would take from the surveyor the opportunity of saying, "This man has been put upon me." Give him a list of qualified candidates, and let him select for himself.

1607. Do you mean, that in a case of that kind the county engineer should be at liberty to select from a list of qualified persons returned from the Board of Examiners, that has been contemplated, any person whom he may choose?—Yes.

1608. Without reference to the order of merit?—Yes.

1609. Mr. *Herbert.*] If I understand your recommendations aright, you suggest a larger salary to county surveyors, an under surveyor, if I may use the expression, in certain cases, to assist him; with an additional number of assistant surveyors, also with an increase of salary?—Not in all cases.

1610. In the majority of cases would not that be the effect of your recommendation?—I have not looked over the tables to see whether it would be in the majority of cases; but it would be in some cases.

1611. Take some high class county, say Mayo for instance, merely for the sake of example; you would in that case recommend an increase of salary to the county surveyor, of course?—There are two surveyors in Mayo at present; if there was to be but one, I would certainly recommend an increase of salary; and I think, also, in the case of two, that would be necessary; but I have not considered particularly the instance of Mayo.

1612. In those counties which are divided for those purposes, and where there are two surveyors, the practical rule of treating them would be to consider them as two counties of a smaller scale?—I think in some of the cases in which they are divided it would be better, and cheaper if they were not divided.

1613. You think in those counties situated, for instance, like Mayo, and where you have two county surveyors, that one head county surveyor, and an under

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surveyor with assistants, would work better than having two distinct county surveyors?—Yes, I do.

1614. Without naming a particular county, take one where there is at present only one county surveyor; supposing your recommendation to be carried out, would it not entail very greatly increased expense; first, a larger salary to the county surveyor himself; secondly, the appointment of an under surveyor, if I may use that expression; and thirdly, increasing the number of assistant surveyors also with increased salaries?—There are very few of the counties in Ireland in which, even if not divided, an assistant engineer would be required; it is only to meet the case of those few very large counties that I make the suggestion.

1615. I suppose you have not formed any exact estimate, as regards all the counties in Ireland, of the increased expense which would follow from your recommendation?—I have not; but I think the appointment of assistant engineer would rather lead to a diminution of expense, (even as regards salaries) in counties now divided, which need not have been divided, as I think.

1616. But those counties have been divided, I suppose, under the direction of the grand jury?—Entirely so.

1617. I suppose you would hardly contemplate making it compulsory upon the grand jury, where they have divided counties for this purpose, to revert to the old system?—Certainly not. I am only giving my own opinion. I would also say that I do not intend to convey that there should be any increase of assistance, except where that increase was necessary. If the salaries of my three assistants in Queen's County were increased, I think I have enough, and so have a great many other counties.

1618. How would you propose to regulate the number of assistant surveyors; do you concur in the evidence that has been given, I think, by Mr. Hill, that there should be uniformity of system all over Ireland as to the number of assistants employed?—It would be well to attain uniformity as nearly as possible. It strikes me, on looking at this table, that it is very anomalous that some small counties should have three or four, and others, large ones, should have one or none.

1619. That is quite true; but supposing you were to establish uniformity, would it be by increasing the numbers in those that had few, or diminishing the numbers in those that had many?—Probably by both. Mr. Lanyon, if I recollect right, said he could do with fewer if they were better paid.

1620. For instance, I find in Antrim there are 12; do not you think it would frighten people very much in other counties if you were to establish uniformity by assimilation to Antrim?—Certainly, I am sure it would.

1621. And therefore you would not think that necessary?—As far as my opinion goes, I would not go so far.

1622. Would you recommend that the counties in Ireland should be classified, with a corresponding salary for the county surveyors fixed by Act of Parliament, or would you recommend the fixing of the amount of salary to be left to the grand jury, as at present?—The grand juries fix the salaries at present not exceeding 300 *l.* a year. I think it would be desirable for the public service that the counties should be classified, and the salaries for each defined, as in the case of all other county officers, by some high authority, either Parliament or the Lord Lieutenant in Council; for myself, I am quite careless about the matter.

1623. As regards yourself, you would be content to leave it to the grand jury; but do not you think that the feeling, on the whole, would be, to have it fixed by Act of Parliament?—Quite so.

1624. Practically speaking, the grand juries have gone to the maximum in all cases, have they not?—I believe they now have; I never got less than the maximum.

1625. Are you aware that the general opinion of grand juries, so far as they have been able to be ascertained, is, that they are not able to pay their county surveyors so fair a remuneration as that to which they think them entitled?—I am sure of it, so far as my experience goes.

1626. When you classify the counties for the purpose of ascertaining the remuneration which ought to be received by county surveyors, do you think it would be desirable to fix by Act of Parliament the number of assistants to which they should be entitled, according to the classification?—Perhaps that would be the best way of arriving at what was stated, that there should be a proportion between the number and the nature and extent of the districts.

1627. *Chairman.*] The Commissioners, in 1842, recommended that an arrangement

ment of that kind should be made by the Lord Lieutenant in Council, and not by Act of Parliament; which of those plans do you consider to be the best?—I should say, that perhaps the Lord Lieutenant in Council would be the preferable plan, inasmuch as he would have better means of arriving at data for proportioning the number to the counties. The grand juries might be consulted, so as not to lay down an arbitrary law upon the subject.

1628. Mr. *Waldron.*] I presume that your suggestion as to increasing the salary of assistant surveyors is with a view to enable them to keep a horse?—That would be one great object.

1629. If they got, in addition to the salary received at present, sufficient to enable them to keep a horse, do you think that that would meet the case, in most instances?—I do; I should propose that the salaries of the assistants should range from 50 *l.* to 100 *l.* a year; and by that means, although you did not give the full amount at once, the grand jury could raise the salary of a meritorious officer as he deserved.

1630. Sir John Burgoyne suggested that there should be circuit surveyors?—He did.

1631. To whom should those officers be answerable, if appointed; they would be out of the controul of the grand juries, would they not?—As I understood Sir John Burgoyne's evidence, it was his opinion that there should be perhaps not circuit surveyors, but some engineers connected with the Board of Works, who should be more in the character of advisers of county surveyors, with a view of producing uniformity of practice, than placed as superior officers to the surveyors; so I understood his evidence.

1632. But how could they be brought under the control of the grand jury?—Not at all; he proposed that they should be paid by the Government, if paid at all, as I understood him.

1633. Then I cannot understand how they could act as county officers, not being under the control of the grand jury?—That plan had not occurred to me in thinking over the matter; it was a recommendation of the Commissioners of 1842, put before Sir John Burgoyne to-day, and not dissented from.

1634. Do you think it is a desirable suggestion which ought to be adopted?—I do not see the occasion for it, if the county engineers are up to the work; unless there be some who are not so, I do not see the use of such an arrangement.

APPENDIX.

RETURN of Extent and Cost of Works Executed under Grand Jury Presentments in *Ireland*, for the Years

COUNTIES.	Years.	Road Repairs.						NEW WORKS.									
								New Roads.						Cutting Hills, &c.		Bridges, Gullets, &c.	
		Length.			Amount.			Length.			Amount.			Amount.		Amount.	
		M.	F.	P.	£.	s.	d.	M.	F.	P.	£.	s.	d.	£.	s.	£.	s.
Antrim	1834	240	0	0	15,310	–	–	–	–	–	2,500	–	–	218	–	1,600	–
	1844	639	0	0	19,840	–	–	–	–	–	8,678	–	–	608	–	1,442	–
	1854	1,020	0	0	20,035	–	–	–	–	–	9,371	–	–	355	–	1,003	–
Armagh	1834	554	0	0	12,832	8	11	–	–	–	1,631	7	2	314	12	5,078	8
	1844	783	0	0	9,895	1	4	4	0	0	2,679	–	–	591	–	539	8
	1854	941	0	0	10,489	18	4	–	–	–	–	–	–	938	–	2,300	–
Carlow	1834	210	0	0	3,220	12	1	1	4	0	168	10	1	11	14	255	19
	1844	412	0	0	4,655	14	11	0	4	0	29	16	–	–	–	601	–
	1854	503	0	0	4,559	1	7	1	4	0	480	–	–	22	–	1,447	11
Clare	1834	554	0	0	15,778	11	8	28	0	0	3,011	9	4	331	7	1,713	4
	1844	1,445	0	0	10,719	7	4	16	0	0	1,135	2	–	360	9	1,144	11
	1854	1,061	0	0	11,423	17	8	23	0	0	1,720	11	7	106	–	624	16
Cork, West	1834	862	0	0	8,395	12	7	12	0	0	2,423	8	–	–	–	No means of ascertaining.	
	1844	1,253	0	0	9,085	13	4	51	0	0	9,997	10	–	254	15	1,934	16
	1854	1,492	0	0	10,243	12	11	1	4	0	190	1	–	–	–	3,829	7
Donegal	1834	201	6	26	8,277	19	6	12	4	0	374	7	6	59	18	937	8
	1844	3,063	0	0	13,575	17	3	25	2	0	6,102	13	11	507	9	1,487	8
	1854	3,318	4	0	15,980	2	1	13	6	0	3,194	7	11	469	16	2,343	5
Down	1834	370	0	0	14,247	8	6	23	0	0	1,033	11	8	81	8	1,976	10
	1844	–	–	–	15,922	12	5	–	–	–	1,477	13	6	2,782	14	2,276	1
	1854	1,863	0	0	21,501	4	6	–	–	–	146	10	–	1,364	17	2,016	17
Dublin	1834	462	0	0	9,044	17	9	0	7	5	138	–	3	460	9	1,543	19
	1844	584	0	0	8,291	–	2	–	–	–	87	7	7	37	–	1,260	15
	1854	652	0	0	13,522	13	–	–	–	–	18	–	9	–	–	6,364	11
Fermanagh	1834	506	0	0	4,104	16	10	29	0	0	5,792	10	9	373	14	1,678	1
	1844	610	4	26	10,575	16	6	10	6	0	3,321	17	3	147	12	1,550	3
	1854	770	0	0	7,312	19	8	11	1	0	5,310	5	–	593	–	3,175	8
Galway, East	1834	365	4	0	4,944	19	2	–	–	–	881	3	10	–	–	273	3
	1844	1,039	4	0	5,972	9	6	9	4	0	555	15	7	242	17	455	14
	1854	1,106	0	0	5,976	–	8	3	0	0	186	–	9	33	–	930	13
Galway, West	1834	148	0	0	3,874	14	5	7	0	0	1,340	3	8	103	13	825	5
	1844	542	0	0	4,479	2	9	16	0	0	1,294	7	–	75	8	2,295	3
	1854	766	0	0	4,357	18	2	2	0	0	373	6	4	32	–	3,130	9
Kerry	1834	608	0	0	6,280	–	–	The particulars for these columns cannot be ascertained								258	–
	1844	1,218	0	0	8,328	3	7									1,958	16
	1854	1,420	0	0	11,963	16	1									702	18
Kildare	1834	343	0	0	4,515	–	–	–	–	–	–	–	–	157	10	280	–
	1844	647	0	0	5,123	18	–	3	0	0	440	–	–	863	7	432	5
	1854	932	0	0	7,128	5	–	2	0	0	319	–	–	86	7	111	12
Kilkenny	1834	445	1	35	3,499	11	2	14	0	31	6,080	–	–	49	8	221	4
	1844	879	4	37	7,340	5	1	0	5	32	–	1	–	19	5	363	19
	1854	947	1	27	9,013	8	–	–	–	–	–	–	–	106	12	447	15
King's County	1834	537	0	0	4,053	–	1	–	–	–	–	–	–	17	–	215	17
	1844	659	0	0	4,047	11	1	–	–	–	–	–	–	24	–	150	17
	1854	640	0	0	4,170	15	5	–	–	–	–	–	–	–	–	118	10

APPENDIX.

1834, 1844, and 1854, compiled from the County Presentment Books, by the Surveyors of the respective Counties.

Total Outlay.	Cost of Superintendence.	Per Centage of Cost on Expenditure.	Gross Number of Miles of New Roads, made from 1834 to 1854.		Number of Surveyors.	Number of Assistants.	OBSERVATIONS.
Amount.	Amount.		Length.	Amount.			
£. s. d.	£. s. d.		M. F. P.	£. s. d.			
19,628 – –	1,080 – –	5·50	234 0 0	– – –	1	–	
30,568 – –	935 – –	3·05	– – –	– – –	1	13	
30,764 – –	905 – –	2·94	– – –	– – –	1	12	
19,856 17 3	– – –	– –	– – –	– – –	1	–	Maintenance of footpaths is included with roads in returns for years 1844 and 1854.
13,704 9 4	450 – –	3·28	14 from 1844 to 1854	– –	1	2	
13,727 18 4	550 – –	4·00	– – –	– – –	1	4	
3,656 15 6	382 – –	10·44	29 4 0	– – –	1	–	Large presentments for cutting hills were made in some of the intermediate years.
5,286 11 5	400 – –	7·56	– – –	– – –	1	1	
6,508 13 3	400 – –	6·14	– – –	– – –	1	2	
20,834 12 9	445 – –	2·13	482 0 0	– – –	1	–	Considerable amount of work, consequent upon the drainage operations, has now to be provided for in this county. 152 miles of road added in summer 1854, which previously had been maintained by the Commissioners of Public Works.
13,359 10 5	500 – –	3 74	– – –	– – –	1	3	
13,875 5 11	550 – –	3·96	– – –	– – –	1	4	
10,819 – 7	540 19 –	5·00	357 0 0	75,642 8 2	1	–	
21,272 14 11	500 – –	2·35	– – –	– – –	1	3	
14,263 1 3	550 – –	3·85	– – –	– – –	1	4	
9,649 13 8	195 – –	2·02	No means of making this return		1	–	
21,673 9 2	825 – –	3·80			1	9	
21,987 11 9	1,250 – –	5·73			2	10	
17,338 18 6	Cannot be ascertained –		263 0 0	22,411 3 5	1	–	The number of miles of road repaired in 1844 cannot be returned, the distances being omitted in the warrants in many cases.
22,459 2 –	720 – –	3·20	– – –	– – –	1	8	
25,029 9 9	720 – –	2·87	– – –	– – –	1	8	
11,187 6 11	Cannot be ascertained		– – –	– – –	–	–	Present Grand Jury Act in this county came into force in 1845. At present the contracts for road maintenance include footpaths and incidental works. On 5th January 1856, 92 miles of turnpike roads became chargeable upon the county for the first time.
9,676 3 9			– – –	– – –	–	–	
19,905 5 1	800 – –	4·01	– – –	– – –	3	–	
11,949 3 2	927 19 2	7·76	224 4 0 75 miles in addition in progress	62,410 17 1	1	–	New roads were laid out, mapped, planned, and marked on the ground by surveyor and assistants, without any additional cost to the public.
15,595 9 9	450 – –	2·88	– – –	– – –	1	2	
16,391 13 7	450 – –	2·74	– – –	– – –	1	2	
6,099 6 4	377 15 –	6·19	82 0 0	15,506 – –	1	–	One surveyor in 1834 for the entire county. 51 miles of roads added in summer 1854, which previously had been maintained by the Commissioners of Public Works.
7,226 16 7	350 – –	4·84	– – –	– – –	1	1	
7,125 14 7	400 – –	5·61	– – –	– – –	1	1	
6,143 16 10	394 13 10	6·42	95 0 0 exclusive of relief works.	– – –	–	–	134 miles of public roads added in summer 1854, which previously had been maintained by the Commissioners of Public Works, and since then a further addition of 39½ miles, which, prior to 1854, had not been maintained by the county.
8,144 1 11	350 – –	4·29	– – –	– – –	1	–	
7,893 13 10	400 – –	5·06	– – –	– – –	1	1	
6,538 – –	350 – –	5·35	305 0 0	130,000 – –	1	–	205 miles of roads were added at summer 1854, under 16 & 17 Vict., c. 136, previously maintained by Commissioners of Public Works.
10,287 – 5	450 – –	4·37	– – –	– – –	1	2	
12,666 14 1	550 – –	4·34	– – –	– – –	1	4	
4,952 10 –	Not in county records –		51 0 0	– – –	1	–	There were 50 miles of roads not contracted for in 1854. 30 miles of turnpike roads became chargeable on the county on 6th January 1856.
6,859 11 3	400 – –	5·83	– – –	– – –	1	2	
7,645 4 –	400 – –	5·23	– – –	– – –	1	2	
9,850 3 9	1,135 – –	11·52	49 2 26	22,636 8 –	1	–	
7,723 10 7	600 – –	7·76	– – –	– – –	1	5	
9,567 16 6	550 – –	5·74	– – –	– – –	1	4	
4,285 17 6	316 19 4	7·39	12 2 29	1,444 9 2	1	–	In 1854 there were 200 miles of public roads not under contract; the cost of maintenance, at the same rate as those under contract, would amount to 1,225 *l.* 8 *s.* 10 *d.*
4,222 8 5	430 – –	10·18	– – –	– – –	1	2	
4,289 5 5	450 – –	10·45	– – –	– – –	1	2	

(*continued*)

RETURN of Extent and Cost of Works Executed under Grand Jury Presentments in *Ireland*, for the

COUNTIES.	Years.	Road Repairs.		NEW WORKS.			
				New Roads.		Cutting Hills, &c.	Bridges, Gullets, &c.
		Length.	Amount.	Length.	Amount.	Amount.	Amount.
		M. F. P.	£. s. d.	M. F. P.	£. s. d.	£. s. d.	£. s. d.
Leitrim	1834	181 3 15	1,619 16 6	3 2 –	781 5 –	- - -	635 10 6
	1844	528 5 14	3,427 7 6	16 1 –	3,305 – –	- - -	1,636 7 1
	1854	602 1 18	7,379 18 11	34 2 –	13,532 – –	- - -	2,681 4 5
Limerick, East	1834	448 3 30	4,888 17 8	6 6 –	1,791 18 10	279 9 9	418 17 11
	1844	649 1 33	6,350 12 9	2 4 –	580 13 8	321 17 –	137 4 –
	1854	701 7 12	6,784 15 –	1 4 –	72 5 –	- - -	307 8 –
Limerick, West	1834	498 – –	4,025 13 5	6 6 –	2,832 14 7	118 3 –	728 3 4
	1844	581 2 –	4,329 19 2	1 4 –	279 7 8	283 15 –	255 9 10
	1854	730 4 –	6,368 5 11	15 4 –	3,024 – –	55 15 –	418 7 10
Londonderry	1834	310 – –	7,861 – –	2 – –	200 – –	48 – –	1,400 – –
	1844	1,210 – –	14,876 – –	12 – –	2,239 – –	400 – –	16,555 – –
	1854	1,335 – –	13,387 – –	6 – –	1,700 – –	472 – –	3,297 – –
Longford	1834	67 2 –	3,008 8 11	2 – –	488 – 4	61 – –	129 – –
	1844	510 2 26	4,581 19 6	4 – –	771 9 6	262 9 –	393 4 –
	1854	408 4 –	3,571 9 3	2 – –	477 11 7	23 7 6	1,472 – 3
Louth	1834	167 4 20	4,162 5 6	- - -	- - -	- - -	80 – 1
	1844	471 3 28	6,194 – 10	- - -	- - -	43 2 2	- - -
	1854	405 4 39	4,695 9 –	1 – –	109 6 8	154 – –	410 1 –
Mayo	1834	215 – –	11,666 16 –	20 – –	2,888 – –	1,142 – –	4,336 – –
	1844	1,510 – –	9,701 – –	35 – –	3,362 – –	238 – –	2,488 – –
	1854	1,198 – –	9,383 – –	90 – –	8,640 – –	- - -	2,111 – –
Monaghan	1834	332 3 15	8,267 2 10	6 4 –	253 19 2	119 17 –	540 18 3
	1844	1,009 4 12	7,525 15 2	1 1 –	54 11 –	299 4 7	615 13 8
	1854	969 2 17	6,742 4 10	1 1 –	63 – –	333 6 11	1,325 5 2
Queen's County	1834	556 3 9	4,577 9 2	- - -	48 19 7	14 8 –	78 18 3
	1844	700 – –	5,310 19 2	4 1 –	1,402 8 7	- - -	454 8 6
	1854	940 2 –	6,915 4 1	2 5 –	575 2 –	- - -	334 13 11
Roscommon	1834	475 4 –	5,809 – –	3 – –	586 – –	- - -	3,739 – –
	1844	1,462 – –	7,456 – –	5 – –	832 – –	272 – –	1,005 – –
	1854	1,555 – –	9,644 – –	7 – –	669 – –	71 – –	1,495 – –
Sligo	1834	321 2 –	7,533 16 11	1 4 –	365 16 7	- - -	490 4 11
	1844	905 4 –	6,738 19 2	19 1 –	2,938 4 1	78 18 –	823 1 11
	1854	982 2 –	6,236 3 6	10 – –	1,492 13 –	94 16 6	818 11 –
Tipperary, North	1834	652 4 –	7,652 13 9	- - -	- - -	- - -	- - -
	1844	695 – –	9,552 3 5	2 – –	400 – –	- - -	324 – –
	1854	970 – –	7,727 8 5	3 – –	480 – –	- - -	74 10 –
Tipperary, South	1834	- - -	- - -	- - -	- - -	- - -	- - -
	1844	1,292 – –	14,744 13 5	The particulars for these columns cannot be ascertained.			
	1854	990 – –	12,698 7 8				
Tyrone	1834	913 2 –	14,303 6 1	18 6 0	2,651 9 2	338 11 8	5,657 4 10
	1844	2,695 6 –	15,763 18 –	30 0 0	2,609 4 7	612 14 8	3,416 1 2
	1854	3,299 4 –	21,280 1 8	8 6 0	1,320 13 6	957 8 3	1,829 12 9
Waterford	1834	224 – –	4,354 3 8	24 0 0	7,542 10 8	159 – –	2,047 3 11
	1844	678 – –	8,175 3 10	10 4 0	3,353 14 7	53 – –	1,805 19 4
	1854	952 – –	9,803 16 2	1 4 0	254 – –	- - -	2,510 13 6
Westmeath	1834	136 2 26	2,795 18 8	- - -	- - -	65 10 –	108 – 6
	1844	574 – –	4,463 10 6	2 0 0	2 11 10	435 7 6	141 5 –
	1854	553 – –	4,773 19 –	- - -	- - -	14 9 –	188 9 –
Wexford	1834	760 – –	9,143 6 11	5 0 0	745 6 8	13 12 6	1,072 10 7
	1844	1,580 – –	12,622 1 5	3 4 0	1,044 18 –	246 4 –	829 2 10
	1854	1,652 – –	10,954 15 1	1 0 0	138 11 –	28 15 –	339 17 6
Wicklow	1834	586 – –	8,267 4 1	5 0 0	2,157 14 –	7 – –	756 16 –
	1844	1,188 4 –	8,507 18 6	8 2 0	1,049 9 –	26 16 –	3,623 4 11
	1854	1,027 – –	6,372 8 11	4 4 0	433 1 4	16 – –	4,367 17 –
GENERAL TOTALS AND RESULTS	1834	13,191 7 16	228,316 12 9	231 7 36	48,708 6 10	4,545 7 6	39,075 11 4
	1844	32,015 7 26	288,174 15 7	289 3 32	60,023 16 4	10,087 7 3	52,396 5 9
	1854	36,703 5 33	312,397 – 6	247 4 –	54,290 7 5	6,327 11 5	52,528 9 –

The facts of perhaps greatest importance made apparent by the above Return seem to be in connexion with the item of Road Maintenance, between 1834 and 1854—the average cost per perch has decreased from 7·07 *d.*, in 1834, to 5·88 *d.*, in 1844, and 6·09 *d.* in 1854, although

Years 1834, 1844, and 1854, compiled from the County Presentment Books, by the Surveyors of the respective Counties.

Total Outlay.	Cost of Superintendence.	Per Centage of Cost on Expenditure.	Gross Number of Miles of New Roads, made from 1834 to 1854.		Number of Surveyors.	Number of Assistants.	OBSERVATIONS.
Amount.	Amount.		Length.	Amount.			
£. s. d.	£. s. d.		M. F. P.	£. s. d.			
3,036 12 –	456 6 7	15·01	243 4 16	84,067 15 6	1	0	Contracts for maintenance include improvement. Surveyor's duties in this county much increased by the Acts 10 & 11 Vict., c. 79, and 16 & 17 Vict., c. 117.
8,368 14 7	350 – –	4·18	- - -	- - -	1	0	
23,593 3 4	350 – –	1·48	- - -	- - -	1	0	
7,379 4 2	368 19 2	5·00	110 6 0	22,800 6 –	1	0	One surveyor in 1834 for the entire county. Previous to 1834 only about one-half the extent of roads now under contract were repaired; and, as well as all other county works, they were most imperfectly and inefficiently managed.
7,390 7 5	450 – –	6·09	- - -	- - -	1	2	
7,164 8 –	450 – –	6·29	- - -	- - -	1	2	
7,704 14 4	525 – –	6·81	113 0 0	19,325 9 4	0	0	
5,148 11 8	400 – –	7·76	- - -	- - -	1	1	
9,866 8 9	400 – –	4·05	- - -	- - -	1	1	
9,509 – –	1,071 – –	11·26	141 0 0	28,000 – –	1	0	
34,070 – –	650 – –	1·90	- - -	- - -	1	7	
18,856 – –	650 – –	3·44	- - -	- - -	1	7	
3,686 9 3	266 6 1	7·21	88 2 26	- - -	1	0	Surveyor's duties considerably increased by drainage, bridges, &c., 105 miles of farm roads completed under superintendence of county surveyor.
6,009 2 –	300 – –	4·92	- - -	- - -	1	0	
5,544 8 7	300 – –	5·41	- - -	- - -	1	0	
4,242 5 7	420 – –	9·90	20 0 0	- - -	1	0	530 miles of roads have been under contract for maintenance and repair in this county.
6,237 3 –	465 – –	7·45	- - -	- - -	1	4	
5,368 16 8	490 – –	9·12	- - -	- - -	1	4	
20,032 16 –	1,000 – –	4·99	350 0 0	- - -	1	0	
15,789 – –	500 – –	3·16	- - -	- - -	1	4	
20,134 – –	400 – –	1·98	- - -	- - -	1	2	
9,181 17 3	634 1 2	6·90	- - -	- - -	1	0	
8,495 4 5	450 – –	5·29	- - -	- - -	1	2	
8,463 16 11	550 – –	7·67	- - -	- - -	1	4	
4,719 15 –	628 17 3	13·32	76 5 0	- - -	1	0	
7,167 16 3	500 – –	6·97	- - -	- - -	1	3	
7,825 – –	500 – –	6·36	- - -	- - -	1	3	
10,134 – –	300 – –	2·96	205 0 0	- - -	1	0	
9,565 – –	300 – –	3·13	- - -	- - -	1	0	
11,879 – –	350 – –	2·94	- - -	- - -	1	1	
8,389 18 5	540 14 –	6·44	117 0 0	22,193 3 2	1	0	
10,579 3 2	450 – –	4·25	- - -	- - -	1	2	
8,642 4 –	450 – –	5 20	- - -	- - -	1	2	
7,652 13 9	1,267 – –	16·55	100 0 0	- - -	1	0	One surveyor in 1834 for entire county.
10,276 3 5	500 – –	4·86	- - -	- - -	1	3	
8,281 18 5	500 – –	6·03	- - -	- - -	1	3	
- - -	- - -	- -	- - -	- - -	- - -	-	Return for year 1834 not received. In 1855, 1,035 miles of roads were under contract for maintenance, and from 500 to 700 out of contract.
14,744 13 5	550 – –	- -	Cannot be ascertained - -		1	4	
12,698 7 8	500 – –	- -			1	3	
22,950 11 9	150 – –	0·65	No means of making this return correctly - - -		1	0	
22,401 18 5	750 – –	3·34			1	8	
25,387 16 2	1,100 – –	4·33			2	8	
14,102 18 3	705 – –	4·99	123 0 0	44,312 – –	1	0	
13,387 17 9	550 – –	4·10	- - -	- - -	1	4	
12,568 9 8	550 – –	4·37	- - -	- - -	1	4	
2,969 9 2	495 – –	16·67	50 0 0	- - -	1	0	
5,042 14 10	350 – –	6·94	- - -	- - -	1	0	
4,976 17 –	350 – –	7·03	- - -	- - -	1	0	
10,974 16 8	1,095 – –	9·97	160 0 –	57,553 – –	1	0	
14,742 6 3	550 – –	3·73	- - -	- - -	1	4	
11,461 18 7	550 – –	4·79	- - -	- - -	1	4	
11,188 14 1	908 3 4	8·11	80 0 0	20,000 – –	1	0	
13,207 8 5	500 – –	3·78	- - -	- - -	1	3	
11,189 7 3	500 – –	4·46	- - -	- - -	1	3	
320,645 18 5	16,976 13 11	5·29	4,231 7 17 in 25 counties.				
410,682 4 11	15,925 – –	3·88					
425,543 8 4	17,865 – –	4·19					

which alone occasions about two-thirds of the annual expenditure for county works; the mileage under contract has been nearly quadrupled the price of labour has been nearly doubled within the time, and a great improvement has taken place in the state of the roads.

I N D E X.

[*N.B.*—In this Index the *Numerals* following *Rep. p.*, refer to the Page of the Report; the *Figures* following the Names of the Witnesses, to the Questions of the Evidence; and those following *App. p.*, to the page of the Appendix.]

A.

ACTIONS against Surveyors. Some provision should be made to enable grand juries to present for the costs of actions brought against surveyors in the discharge of their duties, *Townsend* 1549, 1550. 1583–1595.

Age of Candidates. Witness agrees with the suggestion of Mr. Griffith that the age of candidates for the office of assistant surveyor should be from twenty-one to thirty-four, *Galbraith* 547.

APPOINTMENT OF SURVEYORS:

I. *Generally.*

II. *Suggestions as to the Appointment of Surveyors:*

1. County Surveyors.
2. Assistant Surveyors.

I. *Generally:*

The appointment is made by the grand jury of the county from a list of persons qualified, *Tate* 5–9——The decision of the grand jury has not been wholly confined to the order of merit, *ib.* 19, 20——The general opinion is, that the appointment should remain as it is, *ib.* 406——The whole of the parties on the list of 1847 have since been appointed, *Worrall* 1359–1362——Opinion that the appointment of county surveyors has been of great public advantage to the country, *Sir John F. Burgoyne* 1380.

II. *Suggestions as to the Appointment of Surveyors:*

1. County Surveyors:

Witness does not see any objection to the appointment of county surveyors resting with the Lord Lieutenant, *Galbraith* 556–558——The appointment of county surveyors should rest with the Lord Lieutenant, as at present; the salary should be fixed by Act, *Lanyon* 1100. 1197, 1198.

2. Assistant Surveyors:

The appointment of assistants might be with the Lord Lieutenant, subject to the final report of the county surveyor, after a year's probation, *Galbraith* 558–562——The assistants should be appointed by the surveyor, and be subject to him; special assistants might perhaps be appointed by the Lord Lieutenant, *Brett* 776. 832–837——Reasons why witness would prefer the appointment of assistants being in the hands of the surveyors rather than in the hands of the grand jury, *Lanyon* 1138–1141——The appointment of assistants should rest with the county surveyor, and their dismissal, subject to the control of some party, say the Board of Works, on his recommendation, *Sir John F. Burgoyne* 1408——The power of appointment and dismissal of assistants should be with the surveyors, *Townsend* 1538.

See also *Assistant Surveyors*, 2. *Dismissal of Surveyors.*

Architecture. Witness would suggest that architecture should form one subject at any second examination which the assistants might undergo with a view to their appointment as county surveyors, *Galbraith* 598–603.

Architects. In the case of some of the public buildings, witness has, in addition to his salary, been allowed the architect's per-centage, *Lanyon* 1221–1227.

Report, 1857—*continued.*

ASSISTANT SURVEYORS:

1. *Generally.*
2. *Feeling in favour of the Appointment of Assistants.*
3. *Number that would probably be requisite.*
4. *How far it is necessary they should be men of any great Acquirements.*
5. *Resolutions of the Committee.*

1. *Generally:*

Under the Act there is no power of providing assistants for the district surveyors, *Tate* 22.

2. *Feeling in favour of the Appointment of Assistants:*

Evidence in detail showing that the power of appointment of assistants would be most desirable, and greatly to the advantage of the public, *Tate* 44 *et seq.*——In many instances, when it is not found practicable to get contractors, the works are given in charge to the county surveyor; great extent of extra labour which this throws upon him, and necessity for his having assistance, *ib.* 44-75. 82-91——Expediency of the district surveyors having the power of employing "overseers" or assistant surveyors; salary suggested; extent of engineering and surveying knowledge it is requisite they should possess, *ib.* 117-121——Grounds for forming the opinion that the nature of the legislative change which would be most desirable would be a power to grant assistants, *ib.* 134, 135——Strong grounds on which witness forms the opinion that in the present state of the country a large additional staff of assistants is necessary; great addition of labour which has of late been thrown on the county surveyors, *Galbraith*, 610-617.

Opinion that the present system of supervision by assistants is a good one, *Stokes* 888——Grounds for forming the opinion that there is no greater mistake in every point of view than the non-appointment of a sufficient number of assistants, *Lanyon* 1281.

3. *Number that would probably be requisite:*

Witness would say that three would be required for his district, and about eight for the whole county of Dublin, *Tate* 122-132——If this number were granted, perhaps less than three district surveyors might be able to do the other duties of the county, *ib.* 133——Witness would say that three, or perhaps four, assistants to a county would be a fair allotment, *Galbraith* 618-624——Witness had four assistants in the county of Mayo, and has now three in the county of Wicklow, *Brett* 646-649——In some of the larger counties witness would suggest a graduated scale of assistants, *ib.* 714.

Number of miles which witness considers an assistant would be capable of supervising properly, *Brett* 715——It might be desirable to give the grand juries power to allow one first-class assistant, *Stokes* 909. 1035-1041——The great disparity in the number of assistants in different counties is a bad system, and might easily be remedied, *Lanyon* 1106-1110——The number of assistants should be determined with reference to the classification of the counties, *ib.* 1281——Extent of mileage which should be given in charge to each assistant surveyor, *Townsend* 1580——It might be desirable to have a classification of assistant surveyors, *ib.* 1578.

4. *How far it is necessary they should be men of any great Acquirements:*

Opinion that the class of assistants which witness has suggested would be sufficiently above the class of general contractors, so as not to be influenced by them, *Tate* 141——Still, in any system for the management of the works, there should be an endeavour not in any case to be trusting to one person, *ib.* 141——Grounds for forming the opinion that it is not so much a highly educated class of assistants that is required as a class whose honesty and integrity can be depended on, *Brett* 708-793——The present system of examination for assistant surveyors is quite sufficient, *Stokes* 967-969. 1035.

The class of persons witness appoints as assistants are a kind of overseer; their remuneration of 50 *l.* is altogether insufficient, *Lanyon* 1103-1105. 1111——Witness would like to have a better class of assistants with better pay; but he by no means wishes to have men of superior education, *ib.* 1111-1115. 1166-1170——Witness is acquainted with the nature of the duties of assistant surveyors under the grand jury system in Ireland, *Worrall* 1350.

Witness does not agree with the evidence of Mr. Lanyon with reference to this class of persons, that it is not desirable to have them educated beyond a certain point, *Worrall* 1351——Witness thinks the higher the character and education the better, *ib.* 1351-1353——These assistants should possess a certain amount of professional education, and should be men in whom confidence can be placed, *Sir John F. Burgoyne* 1405-1407——Grounds for forming the opinion that young men of superior education would not be found to take these situations, *ib.* 1409-1415.

Reasons

Report, 1857—*continued.*

ASSISTANT SURVEYORS—continued.

5. *Resolutions of the Committee:*

Reasons for the Committee forming the opinion that for the discharge of the subordinate duties the surveyor should have adequate local assistants, *Rep. p.* iv.

See also *Appointment of Surveyors*, II. 2. *Baronial Surveyors. Contracts. Duties of Surveyors. Engineering, School of. Examination of Surveyors. Inspection of Works. New Works. Qualifications. Salaries*, 3.

B.

Baronial Surveyors. The plan that witness would suggest would be the appointment of a sufficient number of the present baronial surveyors, *Galbraith* 587-590——The baronial surveyors should be entirely under the county surveyor, except as to the power of dismissal, *ib.* 591-594——Reference to the proposition of Mr. Griffith that the salaries of these baronial surveyors should be in proportion to the extent and importance of the districts allotted to them, *ib.* 595——Grounds on which witness forms the opinion that the hope of advancement from baronial to county surveyor would induce men of superior education and class to offer themselves to be baronial surveyors at a small salary, *ib.* 604-607. 609. 625-628——The number of baronial surveyors for each county might be defined; at present the greatest inequality exists, *ib.* 639-641.

BOARD OF EXAMINERS:

1. *Constitution of the Board.*
2. *Proposed Periodical Changes in the Board.*
3. *How far it is desirable that it should be a Paid Board.*

1. *Constitution of the Board:*

Concurrence of the Committee in the suggestions of Mr. Griffith as to the constitution of the Board of Examiners, *Rep. p.* iv, v——The Board of Examiners is a Board of engineers, either civil or military, *Tate* 9, 10——At the time witness went up to be examined, the examiners were General Jones, Sir John M'Neil, and Mr. Roads; about twenty-four were examined, *ib.* 76——Necessity for the county surveyors having a good architectural knowledge, as well as the knowledge ordinarily possessed by a builder, *ib.* 136——It is therefore desirable that among the examiners there should be one of them who is practically acquainted with architecture and the details of building, *ib.* 137, 138——Opinion of Mr. Griffith, the chairman of the Dublin Board of Works, as to what should be done in this case with the Board of Examiners, *Galbraith* 528 *et seq.*——Witness agrees with the suggestion of Mr. Griffith as to the constitution of the Board; and that some members of the Board of Works should be connected with it, *ib.* 533-535.

2. *Proposed Periodical Changes in the Board:*

With regard to the suggestion of Mr. Griffith that the Board of Examiners should be changed every three years, witness considers that a better plan would be to make a variation in it every year, *Galbraith* 537-540. 566——Witness does not consider that a periodical change in the Board of Examiners is necessary, *Sir John F. Burgoyne* 1387——The Board of Examiners should be appointed by the Lord Lieutenant, or the Imperial Government; they might be changed occasionally with advantage, *Hill* 1478, 1479.

3. *How far it is desirable that it should be a Paid Board:*

Witness is decidedly in favour of a paid Board of Examiners, *Galbraith* 573-575——Witness does not know how Mr. Griffith proposes to pay the Board of Examiners, nor is witness able to suggest how it should be done, *ib.* 608——It would be better to have a paid Board of Examiners, *Stokes* 970, 971; *Lanyon* 1097-1099. 1150-1153——Witness is not particularly in favour of a paid Board, *Sir John F. Burgoyne* 1388-1391.

Board of Works. Witness was for many years chairman of the Board of Works in Ireland, *Sir John F. Burgoyne* 1362——Occupied that office at the time of passing the 3 & 4 Will. 4, c. 78, the Grand Jury Act for Ireland, *ib.* 1364——Under this Act the institution of county surveyors was first established in Ireland, *ib.* 1365——The Board of Works were charged with bringing the Act into practice by making a selection of gentlemen for the position of county surveyors, *ib.* 1366——Upon this, the Board of Works appointed a Board of Examiners; constitution of this board, *ib.* 1367, 1368.

See also *Centralization.*

Brett, Henry. (Analysis of his Evidence).—County surveyor of Wicklow; has been surveyor in several other counties; from 1836 to 1849 was county surveyor of Mayo, 642-644——Previous to this, witness had been engaged for about ten years under the Grand Jury Acts of 36 Geo. 3, and 59 Geo. 3; 645——Witness had four assistants in the

Report, 1857—*continued.*

Brett, Henry. (Analysis of his Evidence)—*continued.*

county of Mayo; and has now three in the county of Wicklow, 646-649——Description of the duties which witness performs himself; duties which his assistants perform, 649.

Witness does not think it practicable for any county surveyor without assistants adequately to perform the duties of his office, 650——Especially if, as it ought to be, a more constant system of maintenance were provided for, 651, 652——This want of constant precautionary maintenance is a great pecuniary annual loss to the public, 651, 652——Instance of the county of Mayo showing a gradual diminution in the cost of the maintenance of roads since the introduction of the new system of supervision, 653-657——Instance of the county of Wicklow showing the same result, 658-660.

Close and proper supervision is most undoubtedly economical as regards the saving of the county funds, 661——Witness was first appointed in 1834; nature of the examination he had to undergo; it was the first examination under the new system; number of vacancies to be filled up; number of candidates, 662-668——Witness's salary, as surveyor of the county of Wicklow, is 300 *l.* a year; his outgoings for travelling and hotel expenses are about 100 *l.* a year, 669-672.

Opinion that, as regards the applications for presentments, it would be desirable to have them classified, 673——This might be easily accomplished by all applications being submitted to the county surveyor some thirty days before the sessions, 673-679——This might require some alteration in the law, 676. 679——The law ought to be altered, so as to permit of the levy being made upon the first presentment of the work, 680-684——Alteration witness would suggest in the law as regards the remedy against contractors with respect to works where the contract has not been properly performed, 685-687.

Opinion that authority should be given to some party to pay for so much of the works as are certified by the surveyor to have been properly executed, 688, 689——Grounds for forming the opinion that it would be most desirable to make the surveyor independent of the grand jury so far as regards the salary; the salary should be fixed by the Lord Lieutenant, 690-703. 777-785. 825——Evidence showing that the duties of county surveyors have been very much increased within the last few years by additional works being thrown upon them, 704-707. 769-775.

Grounds for forming the opinion that it is not so much a highly educated class of assistants that is required as a class whose honesty and integrity can be depended on, 708-713——In some of the larger counties witness would suggest a graduated scale of assistants, 714——Number of miles which witness considers an assistant would be capable of supervising properly, 715——Examination upon a table which has been laid before the Committee showing the great variation in the number of miles under the charge of various assistants in different counties, 716-722——This is anything but a good system; way in which witness would remedy the evil, 723, 724.

Opinion that the nature of the examination recommended by Mr. Galbraith is of too high a standard for the class of assistants required for the road-work, and looking after the contractors, 725-733——In estimating the relative salaries to be paid to the county surveyors, the extent of the district, the population, the character of the country, and the nature of the work should be taken into consideration, 734-742——Great defect of allowing contractors who have neither capital nor skill to have the contracts; suggestions for remedying this evil; more frequent payment of the contractors would be beneficial, 743-745. 806-819.

Easy manner in which a system of more prompt payment might be carried out, 746-768——The assistants should be appointed by the surveyor, and be subject to him; special assistants might perhaps be appointed by the Lord Lieutenant, 776——Impossibility of the surveyor in those counties where there are no assistants properly visiting the works, so as to be able to certify, 786-790——In witness's classification of the counties of Ireland, as regards the salaries of the surveyors, he would make three classes, 791-797——In his estimate he has taken into consideration that they should be allowed private practice as well, 795-797.

Allowing them private practice has its advantages and disadvantages, but witness is of opinion that the advantages predominate, 796, 797——They ought to have their travelling expenses beyond their salary, 798——In all cases of new works the appointment of one or two assistants of a high rate of attainments would be a great saving, 801-805——Further evidence as to the different practice in different counties as to the mode of making presentments, and getting money, 820-824——Further expression of the opinion that the grand jury should be deprived of the power of immediate dismissal of the county surveyors, 826-831. 848-850.

The surveyors should be the parties to nominate the deputies, the surveyors being held responsible in the most stringent manner for the due execution of the work, 832-837——Reasons why witness considers that the salaries of the deputies need not exceed about 80 *l.* per annum, 838-847. 862——There have been occasions in which the grand jury have increased the salaries of the county surveyors, but by law they cannot increase

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Report, 1857—*continued.*

Brett, Henry. (Analysis of his Evidence)—*continued.*

it beyond 300 *l.*; 851-854——In witness's opinion we should look rather to an amendment of the present law than to a total change of the grand jury system of Ireland, 855-861. 863-865.

Bridges. See *Roads and Bridges.*

Buildings, Public. See *Public Works and Buildings.*

Burgoyne, Lieutenant-General Sir John Fox (Analysis of his Evidence.)—Was for many years chairman of the Board of Works in Ireland, 1363——Occupied that office at the time of the passing of the 3 & 4 Will. 4, c. 78, the Grand Jury Act for Ireland, 1364——Under this Act the institution of county surveyors was first established in Ireland, 1365——The Board of Works were charged with bringing the Act into practice by making a selection of gentlemen for the position of county surveyors, 1366——Upon this, the Board of Works appointed a Board of Examiners; constitution of this Board, 1367, 1368.

At the first examination the number of officers required was thirty-two, and a considerable number of candidates came forward. After the thirty-two were recommended, a supplementary list of a number of others who were competent was delivered in, with a view to their being appointed from time to time as vacancies occurred, 1369, 1370. 1374-1398——Evidence showing that the examinations were of an elaborate character; they comprised both scientific and practical knowledge, 1370-1373——The system of examination might be said to be a system of competitive examination, very much like the present system, 1375-1379——Opinion that the appointment of county surveyors has been of great public advantage to the country, 1380.

Former practice with reference to the obtaining of engineering supervision or advice in large county works, 1381——Witness thought at the time the Grand Jury Act was passed that 300 *l.* a year was a small remuneration for the county surveyors, 1382——Additional works have been thrown on them since, 1383-1385——Witness does not consider that a periodical change in the Board of Examiners is necessary, 1387——Nor is he particularly in favour of a paid board, 1388-1391.

Evidence showing that at the first appointment of the county surveyors no favouritism was shown, 1392, 1393. 1427-1434——Witness supposes that publicity must have been given to the examination from the number of candidates, but no publicity was given to the examination questions after the examination, 1395-1397——Grounds for forming the opinion that some sort of general supervision over the county surveyors, without interfering with the grand jury, would be an improvement, 1399. 1401-1403. 1416-1419. 1424-1426. 1435-1441.

The Board of Public Works might perform this duty, 1400——The salary of 50 *l.* a-year for the assistant surveyors is decidedly insufficient, 1404——These assistants should possess a certain amount of professional education, and should be men in whom confidence can be placed, 1405-1407——The appointment of them should rest with the county surveyor, and their dismissal, subject to the control of some party, say the Board of Works, on his recommendation, 1408.

Grounds for forming the opinion that young men of superior education would not be found to take these situations, 1409-1415——Witness is favourable to the system of allowing the county surveyors to practise in private, 1420-1423——Opinion that grants in aid of county works might be carried out to a greater extent than they have been with great advantage, not only to the counties, but to the country, 1442-1450.

C.

Cash Payments. Witness is most anxious to see all cash payments taken out of the hands of the surveyors, *Stokes* 981-989. 1026.——*See* also *Payments to Contractors.*

Casual Works. There should be some floating fund for the purpose of executing casual works not executed properly by the contractors, *Lanyon* 1234-1242.

Centralization. Witness is opposed to the centralization system, and is of opinion that these public works are carried out better by having county surveyors than by the Board of Works, *Galbraith* 638——The late operation of the Board of Works clearly prove this, *ib.* 638.

Classification of Counties. Observations of the Committee on the classification of the counties with reference to the appointment of surveyors, *Rep. p.* iii——Witness would form a classification of the counties by the extent of the county, the amount of the work prescribed, and the description of works generally in the county, *Lanyon* 1177. 1186. 1279——Way in which witness would recommend that the counties in Ireland should be classified, with a corresponding salary for the county surveyors, fixed by Act of Parliament, *Townsend* 1622-1627.

See also *Assistant Surveyors*, 3. *Division of Counties.*

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Circuit Surveyors. The suggestion of Sir John Burgoyne of having circuit surveyors exercising supervision over the county surveyors would not be acceptable to them, *Townsend* 1596, 1597. 1630–1634.

Committee of Surveyors. Evidence relative to a committee of county surveyors which has existed for some years past, *Tate* 168——They meet occasionally in Dublin for the purpose of considering matters connected with their functions and duties, and with the supervision of works generally in Ireland, *ib.* 168–177——Evidence in detail as to the conclusions at which they have arrived on various points of the subject now under the consideration of this Committee, *ib.* 178 *et seq.*

Competitive Examination. See *Examination of Candidates.*

Contractors. Alteration witness would suggest in the law as regards the remedy against contractors with respect to works where the contract has not been properly performed, *Brett* 685–687——Great defect of allowing contractors who have neither capital nor skill to have the contracts; suggestions for remedying this evil; more frequent payment of the contractors would be beneficial, *ib.* 743–745. 806–819——Suggestions for remedying the defects of the present law as regards the getting rid of improper contracts and contractors, *Stokes* 990–999. 1031–1034.

See also *Assistant Surveyors*, 4. *Casual Works. Materials. Payments to Contractors.*

Contracts. Way in which contracts would be taken at a less cost to the public if overseers or assistant surveyors were appointed, *Tate* 142, 143——A more summary power should be given to magistrates to break contracts; opinion that no inconvenience would result therefrom, *Stokes* 1042–1051——Suggestions with reference to the improvement of the law as respects the vitiating or annulling contracts, *Lanyon* 1129——Opinion that the power of the surveyor to expend money on a neglected road should not be limited by the contracts, *Townsend* 1543–1548——Want of some legal provision for annulling contracts where there has been a breach of contract, *ib.* 1555–1560.

Cost of County Works. Return of extent and cost of works executed under grand jury presentments in Ireland for the years 1834, 1844, and 1854, compiled from the County Presentment Books, *App. p.* 116–120.

Cost of Public Works. Approximate cost of the works, roads, bridges, and public buildings carried out under witness's supervision and planning since his connexion with the county of Antrim; small proportion thereof now remaining unpaid, *Lanyon* 1217–1220.

Curriculum of Examination. Mr. Griffith does not propose any curriculum for the examination; witness would not in any way fetter the examiners; it should be left to their discretion to choose their own subject, *Galbraith* 567–572.

D.

Dismissal of Surveyors. Opinion that the grand jury should be deprived of the power of immediate dismissal of the county surveyors, *Brett* 826–831. 848–850——The power of dismissal should be left with the grand jury, as at present, *Stokes* 939–940. 946. 949–951——The power of dismissal is very well as it at present stands, with the grand jury, subject to the approval of the Lord Lieutenant, *Lanyon* 1209.

See also *Baronial Surveyors.*

District Surveyors. Objection of the Committee to the appointment of district surveyors in the room of the present county surveyors, *Rep. p.* iii.——Grounds for giving the preference to the present plan, with the addition of assistants, to the plan of district supervision, *Tate* 207–218——Grounds for forming the opinion that the plan suggested by the Commissioners of 1842 of having district surveyors is not so good as the present plan of county surveyors with assistants, *Tate* 199–205; *Stokes* 972–976.

Districts. The power of appointing the number of districts vests in the Lord Lieutenant in Council, *Tate* 5, 6——The grand jury has the fixing of the boundaries, subject to the condition that no barony is to be divided, *ib.* 7, 8——There are some counties in Ireland which are too large for the surveyors to do the duties properly, *ib.* 247.

Division of Counties. In some cases it would be desirable to increase the number of surveyors, by dividing the counties, *Tate* 270–275.

Duties of Surveyors:

1. *Generally.*
2. *Arduous Nature of their Duties; great Increase thereof of late Years; necessity for Assistance.*

1. *Generally:*

Statement generally of the functions which devolve upon the district surveyors as set out in the Act, *Tate* 21——The Report of the Commissioners of 1842 describes tolerably accurately the functions generally of the county surveyors, *ib.* 186-192——Considerable additional duties have been thrown upon them since that period, *ib.* 193-196——Description of the duties which witness performs himself; duties which his assistants perform, *Brett* 649.

Nature of the duties discharged by witness himself, and nature of those discharged by assistants, *Stokes* 869——Nature of the duties in which witness was employed under Sir John M'Neill, *Worrall* 1346-1349——Extent of witness's duties in Queen's County; has three assistants, *Townsend* 1517-1519——Extent to which witness is able to perform his duties personally, and extent to which he performs them through his assistants, *ib.* 1521, 1522.

2. *Arduous Nature of their Duties; great Increase thereof of late Years; necessity for Assistance:*

It is possible for the surveyors to discharge the duties imposed upon them without the aid of assistants, *Tate* 23-28——But witness is opinion that these duties might be discharged more advantageously to the public by having an inferior grade of officer to assist them, *ib.* 23-28. 44——Practically it is impossible, under the present system, that they can carry out in detail to the full extent the duties imposed on them, *ib.* 197——It follows, therefore, that there ought to be a system of assistants provided for all kinds of surveyors, *ib.* 198——Or that the number of county surveyors should be increased, *ib.* 198——There are some counties in Ireland which are too large for the surveyors to do the duties properly, *ib.* 247.

Witness does not think it practicable for any county surveyor without assistants adequately to perform the duties of his office, *Brett* 650——Especially if, as it ought to be, a more constant system of maintenance were provided for, *ib.* 651, 652——Evidence showing that the duties of county surveyors have been very much increased within the last few years by additional works being thrown upon them, *ib.* 704-707. 769-775——The duties in connection with the county of Kerry are very heavy indeed, *Stokes* 868——Increase of the mileage under witness's supervision since 1834, arising out of Government roads and relief roads which have been thrown upon the county, *ib.* 871-874——Witness in the discharge of his duty travels over nearly 8,000 miles a year, *ib.* 1071.

Witness has under his charge a considerable number of important roads upon which large sums of public money have been expended, *Lanyon* 1073-1080——How far witness has been able to discharge the functions of county surveyor by himself, and extent to which he has found it necessary to have those functions discharged through assistants, *ib.* 1081——Additional duties to a considerable extent have of late years been imposed upon the county surveyors without any augmentation of salary, *ib.* 1082-1085——Witness left the county of Clare on account of finding the duties too hard with the salary he received, *Hill* 1458-1463——The duties of county surveyor in the counties with which witness has been connected have considerably increased since 1842, but no additional remuneration has been given, *ib.* 1464-1469——The tendency of the duties of late years has been on the increase, *Townsend* 1523.

See also *Assistant Surveyors*, 2. *Districts. Inspection of Works. Salaries*, 2.

E.

Education. See *Assistant Surveyors*, 4. *Examination of Candidates.*

Elective Franchise. It is a matter of very little consequence whether the surveyors are allowed to exercise the elective franchise or not, *Lanyon* 1201-1208.

Engineering. Opinion that a scientific knowledge of the various matters connected with engineering forms an essential part of the education of candidates for the office of county surveyors, *Worrall* 1357, 1358.

Engineering, School of. Witness is registrar of the school of engineering, *Galbraith* 452——Object of the Board of Trinity College in establishing the School of Engineering, *ib.* 453 *et seq.*——The professors combine the two elements of practical and scientific knowledge; Mr. Downing is the present professor, and Sir John M'Neil was the former one; present staff of lecturers and professors, *ib.* 456-458——Course of instruction pursued at the school, *ib.* 459, 460.

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Engineering, School of—continued.

After a course of three years a diploma is granted; number granted since the institution of the school in 1841, *Galbraith* 461, 462. 465——It has been found that the parties who have received diplomas, immediately obtain employment, *ib.* 463, 464——The cost of instruction in the school of engineering is inconsiderable, *ib.* 466——But it is necessary that the students in the school should be students of the University, *ib.* 466, 467. 477, 478.

There are schools of a similar nature attached to each of the Queen's Colleges in Belfast, Galway, and Cork, *Galbraith* 469-472——Names of some of the gentlemen who have been students at this school who have attained a high position as civil engineers, *ib.* 475, 476. 479-483——There is no doubt the young men educated in the school would be willing to take the situation of assistant surveyor at 100*l.* a year, provided there was also a chance of advancement, *ib.* 490, 491. 550-555.

Estimates. Every work in the county of Antrim has been executed within witness's estimate, *Lanyon* 1228-1231.

Examination of Candidates:

1. *Generally.*
2. *Proposed Plans of Examination.*
3. *Opinions that greater Publicity should be given to these Examinations, both before and after.*

1. *Generally:*

There is a preliminary examination for the office of district surveyor, and a list of those persons who have obtained a certificate of qualification is returned to the grand jury, and they have the power of appointment, *Tate* 9, 10——Twenty-four candidates submitted themselves for examination on the first occasion, and witness was one of them; names of the examiners; nature of the examinations; usual duration thereof, *ib.* 12-18——Witness was first appointed in 1834; nature of the examination he had to undergo; it was the first examination under the new system; number of vacancies to be filled up; number of candidates, *Brett* 662-668——At the first examination the number of officers required was thirty-two, and a considerable number of candidates came forward after the thirty-two were recommended; a supplementary list of a number of others who were competent was delivered in, with a view to their being appointed from time to time as vacancies occurred, *Sir John F. Burgoyne*, 1369, 1370. 1374-1398——Evidence showing that the examinations were of an elaborate character; they comprised both statistical and practical knowledge, *ib.* 1370-1373.

2. *Proposed Plans of Examination:*

Improvements suggested in the mode of examination preliminary to the appointment of county or district surveyors, *Tate* 364-369——Nature of the examination witness would suggest for assistant surveyors, *Tate* 370-390——The principle witness contends for with regard to the county surveyors' examination is, that it should be open to every person, and not confined to those who have received their education in any particular school, *Galbraith* 518, 519——Paper drawn up by Mr. Griffith, and forwarded by him to witness, intituled, "Sketch Plan of Examination for County Surveyors," read; extent to which witness agrees with the suggestions of Mr. Griffith as contained in this paper, *ib.* 530-540——Witness agrees with Mr. Griffith as to the expediency of having two classes of examinations, one for the county surveyors and one for the assistant surveyors, *ib.* 536——Evidence generally as to the subject of which witness considers any candidates for the appointment of assistant surveyor should have a knowledge, *ib.* 629-637.

Opinion that the nature of the examination recommended by Mr. Galbraith is of too high a standard for the class of assistants required for the road work, and looking after the contractors, *Brett* 725-733——A competitive examination of the candidates for the office of county surveyors is most desirable, *Stokes* 951-958; *Lanyon* 1089-1096——The examination for assistant surveyors is of very little consequence; it is men of character that is required, *Lanyon* 1116, 1117. 1166-1170——Evidence as to the duration of the examination, the subjects on which the candidates are examined, and the age at which they are eligible, *ib.* 1154-1163——Suggestion with reference to the mode of examination of county surveyors; opinion that the appointments should be made in the order of merit, *ib.* 1284-1303.

The examination in 1851 was conducted by papers, and appeared to be very well conducted, *Worrall* 1324, 1325——Reasons why witness would say that at present the system is not altogether a competitive system in reference to the office of county surveyor, *ib.* 1327-1340——Nature of the examination witness underwent previous to his appointment, *Hill* 1470, 1471——The examination as far as possible shou'd be competitive, *ib.* 1474.

Witness is a surveyor of Queen's County; was appointed in August 1845; had been previously surveyor, since 1839, in North Tipperary, *Townsend* 1512-1514——Was examined

Report, 1857—*continued.*

EXAMINATION OF CANDIDATES—continued.

2. *Proposed Plans of Examination*—continued.

examined in December 1838; the examination was a very stringent one, *Townsend* 1515, 1516——Possibility of establishing such an examination for the office of assistant surveyor as would secure for the public the services of more efficient persons, *Rep. p.* v.

3. *Opinion that greater Publicity should be given to these Examinations, both before and after:*

No general notice was given of the examination, but witness believes any person was at liberty to present himself, *Tate* 76-80——No publicity is given to the period when the examination is to be held; nor as to the result of the examination, *ib.* 353-356——Witness was examined in 1851 before the examiners under the grand jury law, *Worrall* 1308, 1309——No publicity was given by advertisement or otherwise as to the holding of the examinaiion, but witness having been previously examined, received a circular informing him of it, *ib.* 1309-1312——There is a previous understanding that the result of the examination will be solely a subject of communication with the Lord Lieutenant with reference to the situation of county surveyor, *ib.* 1312, 1313. 1321.

Evidence showing that, although witness had been returned as qualified in 1851 he was not made acquainted with the fact till January 1854, *Worrall* 1313-1321——Opinion that this system is calculated to give great dissatisfaction to the parties examined, *ib.* 1322-1326——It would be better that the parties should know their fate, and the order in which they are returned, *ib.* 1323-1326——It would be desirable to give every publicity to the examinations previously to their being held, *ib.* 1343——Witness sees no objection to the publication of the examination papers after the examination, *ib.* 1344, 1345.

Witness supposes that publicity must have been given to the first examination from the number of candidates; but no publicity was given to the examination questions after the examination, *Sir John F. Burgoyne* 1395-1397——It is desirable that there should be a publicity previously to an examination taking place, *Hill* 1472, 1473——And publicity should be given to the questions after the examinations, *ib.* 1475-1477——It is desirable that publicity should be enjoined previously to any examination being held, and the examination papers might be published, *Townsend* 1527-1530.

See also *Architecture. Engineering. Engineering, School of. Favouritism. Periodical Examinations. Practical Knowledge. Qualifications of Surveyors. Vacancies.*

F.

Favouritism. Witness is not aware that any of the persons who presented themselves at the time he was examined were pupils of any of the examiners, *Tate* 81——Great objection to allowing pupils of examiners to compete, *Hill* 1480-1483——Evidence showing that at the first appointment of county surveyors no favouritism was shown, *Sir John F. Burgoyne* 1392, 1393. 1429-1434.

Finance Committees. Way in which the Finance Committees are put in funds to pay for the roads under the charge of county surveyors, *Tate* 152-158.

G.

Galbraith, Rev. Joseph Allen. (Analysis of his Evidence.)—Fellow of Trinity College, Dublin, and Erasmus Smith's; Professor of Natural and Experimental Philosophy, 450, 451——Is also Registrar of the School of Engineering, 452——The object of the Board of Trinity College in establishing the School of Engineering, was to introduce a scientific element into the education of a civil engineer, 453-455——The introduction of railroads into the country was another reason for the desire of the University to furnish scientific engineers, 454, 455.

The professors combine the two elements of practical and scientific knowledge; Mr. Downing is the present professor, and Sir John M'Neill was the former one; present staff of lecturers and professors, 456-458——Course of instruction pursued in the school, 459——It is the wish of the professors that the course should be eminently practical, and convey practical as well as scientific instruction, 459, 460——After a course of three years a diploma is granted; number granted since the institution of the school in 1841; 461, 462. 465——It has been found that the parties who have received diplomas immediately obtain employment, 463, 464.

The cost of instruction in the School of Engineering is inconsiderable, 466——But it is necessary that the students in the school should be students of the University, 466, 467. 477, 478——How far there would be any objection to opening the privilege so as to admit parties who might not be students of the University, 468——There are schools of

Report, 1857—*continued.*

Galbraith, Rev. Joseph Allen. (Analysis of his Evidence)—*continued.*

a similar nature attached to each of the Queen's colleges in Belfast, Galway, and Cork, 469–472——Names of some of the gentlemen who have been students at this school who have attained a high position as civil engineers, 475, 476. 479–483.

Witness does not propose that the diploma issued by the School of Engineering should entitle a young man to be appointed as surveyer without further examination, 484–489——He only wishes that they should have simple liberty to compete upon equal terms with any other men, 484–489——There is no doubt the young men educated in the school would be willing to take the situation of assistant surveyors at 100*l.* a year, provided there was also a chance of advancement, 490, 491. 550–555——Grounds for forming the opinion that the instruction given at this school gives them a sufficient insight into the nature of the works required for roads and small bridges, and other small county works, 492–507——No special instruction is given them on these subjects, but they might be added without any difficulty, 508, 509.

A certain amount of classical knowledge is necessary before they enter the University, and consequently they have this knowledge when they enter the School of Engineering, 510–525. 565——Witness would not, however, say that it is necessary that they should have a knowledge of Greek and Latin, as it is notorious that some of our most eminent engineers have not had the benefit of a classical education, 510–525. 565.

The principle witness contends for with regard to the county surveyors examination is, that it should be open to any person, and not confined to those who have received their education in any particular school, 518, 519——Practical engineering, or the duties connected with the business of county surveyors or assistant surveyors, do not form any part of the course of instruction in the modern national schools, 526, 527.

Opinion of Mr. Griffith, the chairman of the Dublin Board of Works, as to what should be done in this case with the Board of Examiners, 528 *et seq.*——Paper drawn up by him and forwarded by him to witness, entitled "Sketch Plan of Examination for County Surveyors," read; extent to which witness agrees with the suggestions of Mr. Griffith contained in this paper, 530–540——Witness agrees with the suggestion of Mr. Griffith as to the constitution of the Board; and that some members of the Board of Works should be connected with it, 533–535——He also agrees with Mr. Griffith as to the expediency of having two classes of examinations, one for the county surveyors, and one for the assistant surveyors, 536.

With regard to the suggestion of Mr. Griffith that the Board of Examiners should be changed every three years, witness considers that a better plan would be to make a variation in it every year, 537–540. 566——Opinion that the candidates after examination should be placed in the order of merit, with the view to the filling up of vacancies, 541–546——Witness agrees with the suggestion of Mr. Griffith, that the age of candidates for the office of assistant surveyor should be from twenty-one to thirty-four, 547.

It would be a good plan that the assistant surveyors should hold their office provisionally for one year, subject to the approval of some person having an opportunity of judging of their qualifications, 548, 549——Witness does not see any objection to the appointment of county surveyors resting with the Lord Lieutenant, 556–558——The appointment of the assistants might be with him also, subject to the final report of the county surveyor after a year's probation, 558–562——No advantage would be gained by making it a necessary qualification for a county surveyor that he should have filled the office of assistant surveyor, 563, 564.

The examination should be conducted in such a way as to give the man having a practical experience the advantage; but no rule should be adopted that should shut out any one, 563, 564——Mr. Griffith does not propose any curriculum for the examination: witness would not in any way fetter the examiners; it should be left to their discretion to choose their own subjects, 567–572——Witness is decidedly in favour of a paid Board of Examiners, 573–575——Great advantages which would result from having examinations annually, instead of once in three years, as suggested by Mr. Griffith, 576–586.

The plan that witness would suggest would be the appointment of a sufficient number of the present baronial surveyors, 587–590——The baronial surveyors should be entirely under the county surveyor, except as to the power of dismissal, 591–594——Reference to the proposition of Mr. Griffith, that the salaries of these baronial surveyors should be in proportion to the extent and importance of the districts allotted to them, 595——Mr. Griffith does not propose to relieve the county surveyor of any portion of his responsibility by the appointment of these assistants, 596, 597.

Witness would suggest that architecture should form one subject at any second examination which the assistants might undergo, with a view to their appointment as county surveyors, 598–603——Further grounds on which witness forms the opinion that the hope of advancement from baronial to county surveyor would induce men of superior education and class to offer themselves to be baronial surveyors at a small salary, 604–607. 609. 625–628.

Witness

Report, 1857—*continued.*

Galbraith, Rev. Joseph Allen. (Analysis of his Evidence)—*continued.*

Witness does not know how Mr. Griffiths proposes to pay the Board of examiners, nor is witness able to suggest how it should be done, 608——Strong grounds on which witness forms the opinion that in the present state of the country a large additional staff of assistants is necessary; great addition of labour which has of late been thrown upon the county surveyors, 610–617——Witness would say that three, or perhaps four assistants to a county would be a fair allotment, 618–624.

Evidence generally as to the subjects of which witness considers any candidates for the appointment of assistant surveyor should have a knowledge, 629–637——Witness is opposed to the centralization system, and is of opinion that these public works are carried out better by having county surveyors than by the Board of Works, 641——The late operations of the Board of Works clearly prove this *ib.*——The number of baronial surveyors for each county might be defined; at present the greatest inequality exists, 639–641.

Grand Juries. Grounds for forming the opinion that it would be most desirable to make the surveyor independent of the grand jury, so far as regards the salary; the salary should be fixed by the Lord Lieutenant, *Brett* 690–703. 777–785. 825——Witness is not anxious to be independent of the grand jury, but it might be desirable that the county surveyors should be so as regards pecuniary claims, *Stokes* 899, 900.

See also *Actions against Surveyors. Appointment of Surveyors. Assistant Surveyors*, 3. *Dismissal of Surveyors. Districts. Presentments. Public Works and Buildings. Salaries. Superannuation Allowances.*

Grants in Aid. Opinion the grants in aid of county works might be carried out to a greater extent than they have been, with great advantage not only to the counties, but to the country, *Sir John F. Burgoyne* 1442–1450.

Griffith, Mr. See *Age of Candidates. Baronial Surveyors. Board of Examiners*, 1, 2. *Examination of Candidates*, 2. *Responsibility.*

H.

Hill, John. (Analysis of his Evidence.)—Has been surveyor of King's County since June 1855; was previously surveyor of the county of Clare, 1452–1454——Other duties which witness has discharged in connexion with public works in Ireland, 1455–1457——Witness left the county of Clare on account of finding the duties too hard with the salary he received, 1458–1463——The duties of county surveyor in the counties with which witness has been connected have considerably increased since 1842, but no additional remuneration has been given, 1464–1469.

Nature of the examination witness underwent previous to his appointment, 1470, 1471——It is desirable that there should be publicity previously to an examination taking place, 1472, 1473——The examination as far as possible should be competitive, 1474——Publicity should be given to the questions after the examinations, 1475–1477——The Board of Examiners should be appointed by the Lord Lieutenant or the Imperial Government; they might be changed occasionally with advantage, 1478, 1479——Great objection to allowing pupils of the examiners to compete, 1480–1483.

Expediency of providing a superannuation for the county surveyors, 1484, 1485——Necessary outgoings of witness's salary in connexion with the duties of his office, 1486, 1487——The salaries of the assistants are perfectly inadequate, 1488–1496——The principal defect in the law is the want of more frequent payment to the contractors for maintenance, and of prompt payment to other contractors, 1498–1505——It would be but justice that the county surveyor should have a fair salary in proportion to the duties he has to perform, and he should be paid his expenses, 1509–1511.

I.

Inspection of Works. With good assistants it would not be necessary for the surveyor to visit each work of maintenance more than twice a year, and he might then devote more of his time to the more important works, *Tate* 276–288——Impossibility of the surveyor, in those counties where there are no assistants, properly visiting the works so as to be able to certify, *Brett* 786–790——Witness does not consider it a necessary part of his duty to examine every part of a county work himself before payment is made, nor does he consider it possible to do so, *Stokes* 870——Impossibility of the county surveyor inspecting the whole of the roads in the county, *Lanyon* 1275——He must trust to a certain extent to the reports of his assistants; witness can place almost implicit reliance upon the reports of his present assistants, but he considers they are most inefficiently remunerated, *ib.* 1275–1277.

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L.

Lanyon, Charles. (Analysis of his Evidence.)—Surveyor of the county of Antrim, 1072——Has under his charge a considerable number of important roads, upon which large sums of public money have been expended, 1073–1080——How far witness has been able to discharge the functions of county surveyor by himself, and extent to which he has found it necessary to have these functions discharged through his assistants, 1081——Additional duties to a considerable extent have of late years been imposed upon the county surveyors without any augmentation of salary, 1082–1085.

Evidence showing that the actual per-centage of cost of supervision has diminished since 1834, when there were no assistants, as compared with 1854, when there were twelve assistants, 1086–1088——Grounds for forming the opinion that a competitive examination for the office of assistant surveyor is the fairest mode that can be devised, 1089–1096——Opinion that it would be better that the Board of Examiners should be paid, 1097–1099——The appointment of county surveyors should rest with the Lord Lieutenant, as at present, 1100——Witness's salary is 300 *l.* a year; the outgoings are very considerable, 1101, 1102.

The class of persons witness appoints as assistants are a kind of overseers; their remuneration of 50 *l.* a year is quite insufficient, 1103–1105. 1111——The great disparity in the number of assistants in different counties is a bad system, and might easily be remedied, 1106–1110——Witness would like to have a better class of assistants with better pay, but he by no means wishes to have men of superior education, 1111–1115. 1166–1170——The examination is of very little consequence; it is men of character that is required, 1116, 1117. 1166–1170——Good men might be got for 120 *l.* a year, to cover all expenses, 1118, 1119. 1170–1174.

It would be fair that there should be a provision for the superannuation of surveyors, 1120——Witness sees no objection to surveyors being permitted to undertake private practice, 1121–1128. 1164, 1165——Suggestions with reference to the improvement of the law as respects the vitiating or annulling contracts, 1129——The greatest difficulty of all arises from the want of a fund to secure the more frequent payment of contractors; suggestions as to the mode in which such a fund might be created, 1129–1137. 1142–1149.

Reasons why witness would prefer the appointment of the assistants being in the hands of the surveyors rather than in the hands of the grand jury, 1138–1141——Further expression of the opinion that paid examiners would be preferable to an unpaid Board, 1150–1153——Evidence as to the duration of the examination; the subjects on which the candidates are examined, and the age at which eligible, 1154–1163.

As regards the salaries of the county surveyors, witness would say that from 300 *l.* to 600 *l.* a year would be a fair range according to the class of county, and the description of work they would have to superintend, 1175——Travelling expenses should be allowed beyond this, 1176——Witness would form his classification of the counties by the extent of the county, the amount of the work presented, and the description of works generally in the county, 1177–1186.

Defects in the law as regards the power of contractors to obtain materials, with suggestions for remedying the evil, 1187–1196——The appointment of county surveyors should rest with the Lord Lieutenant, as at present; the salary should be fixed by Act, 1197, 1198——The power of promoting from one county to another might also rest with the Lord Lieutenant, 1199, 1200. 1210–1213——It is a matter of very little consequence whether the surveyors are allowed to exercise the elective franchise or not, 1201–1208.

The power of dismissal is very well as it at present stands with the grand jury, subject to the approval of the Lord Lieutenant, 1209——If private practice be taken away from the county surveyors their salaries ought to be considerably increased, 1214–1216——Approximate cost of the works, roads, bridges, and public buildings carried out under witness's supervision and planning since his connexion with the county of Antrim; small proportion thereof now remaining unpaid, 1217–1220.

In the case of some of the public buildings, witness has, in addition to his salary, been allowed the architect's per-centage, 1221–1227——Every work in the county of Antrim has been executed within witness's estimate, 1228–1231——All the great works are managed by Commissioners under a certain section of the Act, 1228——The money is presented by the grand jury, and by the certificate of the surveyor the Commissioners make the payments, 1229. 1232, 1233.

There should be some floating fund for the purpose of executing casual works not executed properly by the contractors, 1234–1242——Great advantage which has resulted from the appointment by the grand jury of a standing committee to watch over the interest of the counties with respect to public works and railways, 1243–1247——Witness proposes that the sum allowed for the travelling expenses of the county surveyors should range according to the class of the county, 1248–1274.

The

Report, 1857—*continued.*

Lanyon, Charles. (Analysis of his Evidence)—*continued.*

The grand jury should have the management of this matter, and the sum presented should be a fair composition for the amount of travelling expenses actually incurred, 1248–1274——Impossibility of the county surveyor inspecting the whole of the roads in the county, 1275——He must trust to a certain extent to the reports of his assistants; witness can place almost implicit reliance upon the reports of his present assistants, but he considers they are very insufficiently remunerated, 1275–1277.

The suggestions that witness offers to the Committee are, first, that the counties should be classified having reference to mileage and other considerations, say into two or three classes, 1279——Secondly, that the salaries of the county surveyors should be fixed in reference to the classification of the counties, 1280——Thirdly, that the number of assistants should be determined by reference also to the classification of the counties, 1281.

Grounds for forming the opinion that there is no greater mistake, in every point of view, than the non-appointment of a sufficient number of assistants, 1281——Suggestion that the salary of the assistants should be raised to from 80 *l.* to 120 *l.* a year, and that the appointments should rest with the county surveyors, 1282, 1283——Suggestions with reference to the mode of examination of county surveyors; opinion that the appointments should be made in the order of merit, 1284–1303.

Lord Lieutenant. See *Appointment of Surveyers,* II. *Board of Examiners,* 2. *Dismissal of Surveyors. Districts. Examination of Candidates,* 3. *Promotion. Salaries.*

M.

Maintenance of Roads. This want of constant precautionary maintenance is a great pecuniary annual loss to the public, *Brett* 651, 652——Instance of the county of Mayo showing a gradual diminution in the cost of the maintenance of roads since the introduction of the new system of supervision, *ib.* 653-657——Instance of the county of Wicklow showing the same result, *ib.* 658–660.

Materials. Defect in the law as regards the power of contractors to obtain materials, *Stokes* 1009, 1010——Defects in the law as regards the power of contractors to obtain materials, with suggestions for remedying this evil, *Lanyon* 1187–1196——Want of a summary mode by which the surveyors or contractors could obtain materials for the repair of roads, *Townsend* 1551–1555. 1561–1578. 1585–1595.

N.

National Schools. Practical engineering, or the duties connected with the business of county surveyors, or assistant surveyors, do not form any part of the course of instruction in the modern national schools, *Galbraith* 526, 527.

New Works. In all cases of new works the appointment of one or two assistants of a high rate of attainments would be a great saving, *Brett* 801-805.

Number of Surveyors. When the Act first came into operation three district surveyors were appointed for the county of Dublin, *Tate* 11——Opinion that in some cases it would be desirable to increase the number of surveyors beyond what they are at present, *ib.* 256–269——Way in which the counties might be divided for this purpose; in fact, at the present time there are some counties where there are two distinct surveyors, *ib.* 270–275.

O.

Overseers. There is even now, indirectly, a certain sum spent in overseeing, *Tate* 151.

P.

Payments to Contractors. Want of a fund to make provision for the payment of the labourers in money when county works are given in charge to county surveyors, *Rep. p.* v.——Duties of the district surveyor before the contractor or the person who executes the work in any way can receive payment, *Tate* 165, 166——Strong objection to the duties of the surveyors being extended to the making of payments, or to interference with the funds for county purposes in any way, *ib.* 417–441——Opinion that authority should be given to some party to pay for so much of the works as are certified by the surveyor to have been properly executed, *Brett* 688, 699—— Easy manner in which a system of more prompt payment might be carried out, *ib.* 746–768——It is desirable that there should be a power of paying contractors more frequently, *Stokes* 1026–1030. 1052–1070——The greatest difficulty of all arises from the want of a fund to secure more frequent payment of contractors; suggestions as to the mode in which such a fund might be created, *Lanyon* 1129–1137. 1142–1149—— The principal defect in the law is the want of more frequent payment to the contractors for maintenance, and of prompt payment to other contractors, *Hill* 1498–1505——*See* also *Cash Payments.*

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Periodical Examinations. Great advantage which would result from having examinations annually instead of once in three years, as suggested by Mr. Griffith, *Galbraith* 576–586——The best plan would be to have periodical examinations, and a list made out of persons according to the order of merit, *Stokes* 958–966. 1014–1025.

Practical Knowledge. The examination should be conducted in such a way as to give the man having a practical experience the advantage; but no rule should be adopted that should shut out any one, *Galbraith* 563, 564.

Presentments. The grand jury have nothing whatever to say to the payments, *Tate* 158——Their function is merely to examine into the applications which are made for presentments, and to approve of them if they please, *ib.* 158——In the county of Dublin it is not necessary that a certificate of the county surveyor should be attached to every presentment, *ib.* 160. 166, 167——Functions of the district surveyor with reference to presentments which are brought before the sessions in the first instance, *ib.* 161–167.

Opinion that as far as regards the applications for presentments, it would be desirable to have them classified, *Brett* 673——This might be easily accomplished by all applications being submitted to the county surveyor some thirty days before the sessions, *ib.* 673–679——This might require some alteration in the law, *ib.* 676–679——The law ought to be altered so as to permit of the levy being made upon the first presentment of the work, *ib.* 680–684——Different practice in different counties as to the mode of making presentments and getting money, *ib.* 820–824——Return of extent and cost of works executed under grand jury presentments in Ireland for the years 1834, 1844, and 1854, compiled from the county presentment books by the surveyors of the respective counties, *App. p.* 116–120.

Private Practice. Opinion expressed by the Committee that it is desirable that it should be at the discretion of the grand jury to permit or prohibit private practice, *Rep. p.* v.——The county surveyors are not debarred from undertaking private business, *Tate,* 31–34——The committee of county surveyors have formed the opinion that it is not desirable that they should be restricted from private practice as architects and engineers, *ib.* 289——Detail of the grounds on which witness has arrived at the conclusion, that where their private practice is enjoyed to a large extent, it will be found concurrently with it that the county works are efficiently and satisfactorily managed, *ib.* 289–331——In his estimate of salaries, witness have taken into consideration that the county surveyors should be allowed private practice as well, *Brett* 795-797——Allowing them private practice has its advantages and disadvantages, but witness is of opinion that the former predominate, *ib.* 796, 797——Opinion that county surveyors should be allowed private practice, even if their salaries were raised to 600 *l.* a year, *Stokes* 921–937.

Witness sees no objection to surveyors being permitted to undertake private practice, *Lanyon* 1121–1128. 1164, 1165——If private practice be taken away from the county surveyors, their salaries ought to be considerably increased, *ib.* 1214–1216——Witness is favourable to the system of allowing the county surveyors to practise in private, *Sir John F. Burgoyne* 1420–1423——County surveyors should be permitted to take private business, *Townsend* 1539, 1540. 1581, 1582.

Promotion. The power of promoting from one county to another might rest with the Lord-lieutenant, *Lanyon,* 1199, 1200. 1210–1213.

Protection of Roads. Defect in the present law with reference to the powers of county surveyors to protect public roads from injury, *Stokes* 1001–1008. 1012, 1013.

Public Works and Buildings. The district surveyors have an equal right with other parties of sending in plans and estimates for public buildings, or alterations of county buildings; and there is a power in the grand jury to set aside these plans, *Tate* 96–100——Witness has prepared plans and estimates for works in the county of Dublin since he has been connected with it, and the works have been executed thereupon; instances of this, *ib.* 101–108——All the great works are managed by Commissioners under a certain section of the Act, *Lanyon* 1228——The money is presented by the grand jury, and by the certificate of the surveyor the Commissioners make the payments, 1229. 1232, 1233.

Q.

Qualifications of Surveyors. It would be a good plan that the assistant surveyors should hold their office provisionally for one year, subject to the approval of some person having an opportunity of judging of their qualifications, *Galbraith* 548, 549——No advantage would be gained by making it a necessary qualification for a county surveyor that he should have filled the office of assistant surveyor, *ib.* 563–564——The qualifications necessary for an assistant are no more than those necessary for an overseer; the great object is in getting trustworthy persons, *Stokes* 889-891——Under the present system it would be very hard to get them to give up their entire time, *ib.* 891-893——It is not necessary that the greater number of assistants should be of a better class than they now are, *ib.* 903-913. 1035–1041.

Report, 1857—*continued.*

R.

Reports of Surveyors. The district surveyors do not report specially upon every work of maintenance in the county, *Tate* 159——When a special report is called for, they make it, *ib.*

Responsibility. Mr. Griffith does not propose to relieve the county surveyor of any portion of his responsibility by the appointment of assistants, *Galbraith* 596, 597.

Roads and Bridges. Since the introduction of the present system of supervision, the condition of the roads has materially improved, and the cost of maintenance has certainly diminished, *Tate* 36–43. 109–116——Details of the grounds on which witness forms the opinion, that as regards the roads and bridges a reduction from 8 to 10 per cent. on the cost might be made by the appointment of the description of officers which he would recommend, *ib.* 144–148——And a more efficient system of repair and supervision be carried on at the same time, *ib.*——Way in which there would also be a great saving in the amount of presentments, *ib.* 149, 150——Return of extent and cost of works executed under grand jury presentments in Ireland for the years 1834, 1844, and 1854, *App. p.* 116–820.

S.

SALARIES:

1. *Generally.*
2. *Opinions as to the Inadequacy of the Salaries of the Surveyors; Suggestions as to their Increase.*
3. *Suggestions with reference to the Salaries of the Assistant Surveyors.*
4. *Resolutions of the Committee.*

1. *Generally:*

The Lord-lieutenant has the determining of the salary, *Tate* 6——Amount of salary which the law allows the grand jury in the county of Dublin to grant to each of the district surveyors; there are no allowances for travelling expenses, *ib.* 29, 30. 35——Witness does not know why there should be a difference in the salaries of the three surveyors for the county of Dublin, as the duties are all the same, *ib.* 94, 95.

Examination as to the salaries of the surveyors in the different counties, with comparison of the cost of superintendence with the total outlay, *Tate* 221–238——In reference to the question of salary, there is no doubt that the present system ought to be changed, and the position of the surveyor improved, *ib.* 206——Witness does not consider that the present system of a uniform salary is a just and fair remuneration for the county surveyors generally, *ib.* 239——There have been occasions in which the grand jury have increased the salaries of the county surveyors; but by law they cannot increase it beyond 300 *l.*, *Brett* 851–854.

It would be desirable that the county surveyors' salaries should throughout Ireland be fixed by the Lord-lieutenant, *Stokes* 938, 939. 941, 242.

2. *Opinions as to the Inadequacy of the Salaries of the Surveyors; Suggestions as to their Increase:*

The present remuneration of the surveyors is inadequate, *Tate* 408–413——Witness's salary, as surveyor of the county of Wicklow, is 300 *l.* a year; his outgoings, for travelling and hotel expenses, are about 100 *l.* a year, *Brett* 669–672——In estimating the relative salaries to be paid to the county surveyors, the extent of the district, the population, the character of the country, and the nature of the work should be taken into consideration, *ib.* 734–742——In witness's classification of the counties of Ireland, as regards the salaries of the surveyors, he would make three classes, *ib.* 791–797.

Witness's salary is 300 *l.* a year, and his outgoings 150 *l.*, *Stokes* 885–887——Opinion that the salaries of the surveyors should be increased to the amount of their travelling expenses, *ib.* 897–899——Witness considers that the surveyors ought to have 600 *l.* a year, and their travelling expenses besides, *ib.* 904–906.

Witness's salary is 300 *l.* a year; the outgoings are very considerable, *Lanyon* 1101, 1102——As regards the salaries of county surveyors, witness would say that from 300 *l.* to 600 *l.* a year would be a fair range, according to the class of county and the description of work they would have to superintend, *ib.* 1175——The salaries of the county surveyors should be fixed in reference to the classification of counties, *ib.* 1280.

Witness thought at the time the Grand Jury Act was passed that 300 *l.* a year was a small remuneration for the county surveyors, *Sir John F. Burgoyne* 1382——Additional works have been thrown on them since, *ib.* 1383–1385——It would be but justice that the county surveyor should have a fair salary in proportion to the duties he has to perform, and he should be paid his expenses, *Hill* 1509–1511.

Report, 1857—*continued.*

SALARIES—continued.

3. *Suggestions with reference to the Salaries of the Assistant Surveyors:*

Reasons why witness considers that the salaries of the deputies need not exceed about 80 *l.* per annum, *Brett* 831–847. 862——Witness would much rather have possession of their whole time, and pay them accordingly, and believes it would be attended with economy, *Stokes* 894–896——Witness would suggest 100 *l.* a year as the maximum salary for the assistants, *ib.* 901–903. 907, 908. 914–920——Good men might be got for 120 *l.* a year to cover all expenses, *Lanyon* 1118, 1119. 1170–1174——Suggestion that the salary of the assistants should be raised to from 80 *l* to 120 *l.* a year, and that the appointments should rest with the county surveyors, *ib.* 1282, 1283.

Opinion that with a salary of from 80 *l.* to 120 *l.* a year, and a chance of promotion, plenty of competitors would be found among educated young men, *Worrall* 1354–1356——The salary of 50 *l.* a year for the assistant surveyors is decidedly insufficient, *Sir John F. Burgoyne* 1404——The salaries of the assistants are perfectly inadequate, *Hill* 1488–1496——The position of the assistant surveyors should decidedly be improved as regards salary, but their present education is sufficient, *Townsend* 1531–1537.

4. *Resolutions of the Committee:*

Opinion of the Committee that, under existing circumstances, the county surveyors have a fair claim for some increased remuneration, *Rep. p.* iv—— Recommendation of the Committee that a salary should be fixed adequate to the extent of the duties in first, second, and third class counties, *ib.*——Recommendation of the Committee that in the case of assistants the salary should be somewhat increased, *ib.*——Opinion expressed by the Committee that the present salary of 50 *l.* is insufficient to secure the services of competent and trustworthy persons, *ib.*

See also *Assistant Surveyors*, 4. *Baronial Surveyors. Classification of Counties. Duties of Surveyors. Grand Juries. Private Practice. Travelling Expenses.*

Standing Committee. Great advantage which has resulted from the appointment by the grand jury of a standing committee to watch over the interest of the counties with respect to public works and railways, *Lanyon* 1243–1247.

Statistics. Statistical information which has been obtained by the committee of surveyors with regard to the cost of maintenance, the extent of roads repaired, and the cost of supervision, as regards the country roads generally in Ireland, *Tate* 178–185——The general result of this inquiry shows that there has been a great diminution in the cost of maintenance since 1834, notwithstanding the increase of traffic and in wages, *ib.* 178–185——Tables on this subject delivered in, *ib.* 185, and *App. p.* 116——Examination upon a table which has been laid before the Committee, showing the great variation in the number of miles under the charge of various assistants in different counties, *Brett* 716–722——This is anything but a good system; way in which witness would remedy this evil, *ib.* 723, 724.

Stokes, Henry. (Analysis of his Evidence.)—Presides over the county of Kerry as county surveyor; was appointed in May 1834; 866, 867——The duties in connexion with this county are very heavy indeed, 868——Nature of the duties discharged by witness himself, and nature of those discharged through assistants, 869——Witness does not consider it a necessary part of his duty to examine every part of a county work himself before payment is made, nor does he consider it possible to do so, 870——Increase of the mileage under witness's supervision since 1834, arising out of Government roads and relief roads which have been thrown upon the county, 871–874.

Evidence showing that the actual per-centage of supervision in the county of Wicklow has diminished since 1834, when there were no assistants as compared with 1854, when there were four assistants, 875–879——Several piers and harbours have been thrown upon the county, and placed under witness's supervision under the Act of 1854; 880–884——Witness's salary is 300 *l.* a year, and his outgoings 150 *l.*; 885–887——Opinion that the present system of supervision by assistants is a good one, 888——The qualifications necessary for an assistant are no more than those necessary for an overseer; the great object is in getting trustworthy persons, 889–891.

Under the present system it would be very hard to get them to give up their entire time, 891–893——Witness would much rather have possession of their whole time, and pay them accordingly, and witness believes it would be attended with economy, 894–896——Opinion that the salaries of the surveyors should be increased to the amount of their travelling expenses, 897–899——Witness is not anxious to be independent of the grand jury, but it might be desirable that the county surveyors should be so as regards pecuniary claims, 899, 900.

Witness would suggest 100 *l.* a year as the maximum salary for the assistants, 901–903. 907, 908. 914–920——Witness considers that the surveyors ought to have 600 *l.* a year, and their travelling expenses besides, 904–206——It is not necessary that the greater

Report, 1857—*continued.*

Stokes, Henry. (Analysis of his Evidence)—*continued.*

greater number of assistants should be of a better class than they now are, 909–913. 1035–1041——But it might be desirable to give the grand juries power to allow one first class assistant, 909. 1035–1041.

Opinion that county surveyors should be allowed private practice, even if their salaries were raised to 600 *l.* a year, 921–937——It would be desirable that the county surveyors' salaries should, throughout Ireland, be fixed by the Lord Lieutenant, 938, 939. 941, 942. ——The power of dismissal should be left with the grand jury, as at present, 939, 940. 946. 949–951——Mileage of road which the assistants have to superintend in the county of Kerry, 943–945——A competitive examination of the candidates for the office of county surveyor is most desirable, 952–956.

The best plan would be to have a periodical examination, and a list made out of persons according to the order of merit, 958–966. 1014–1025——The present system of examination for assistant surveyors is quite sufficient, 967–969. 1035——It would be better to have a paid Board of Examiners, 970, 971——Grounds for forming the opinion that the plan suggested by the Commissioners of 1842, of having district surveyors, is not so good as the present plan of county surveyors with assistants, 972–976.

There should be a power of superannuating county surveyors, which does not at present exist, 977–980——Witness is most anxious to see all cash payments taken out of the hands of the surveyors, 981–989. 1026——Suggestions for remedying the defects of the present law, as regards the getting rid of improper contracts and contractors, 990–999. 1031–1034——Defect in the present law with reference to the powers of county surveyors to protect public roads from injury, 1001–1008. 1012, 1013——Defect in the law as regards the power of contractors to obtain materials, 1009, 1010——It would be advisable that there should be a power of paying contractors more frequently, 1026–1030. 1052–1070——A more summary power should be given to magistrates to break contracts; opinion that no inconvenience would result from this, 1042–1051——Witness in the discharge of his duty travels over nearly 8,000 miles a year, 1071.

Superannuation Allowances. Observation of the Committee, that it would be desirable to empower grand juries, in case of disability arising from accident in the service of the county, or after lengthened service, to grant superannuation to county surveyors, *Rep. p.* v——Practical evil resulting from the want of power on the part of the grand juries to grant superannuation allowances, *Tate* 414–416——There should be a power of superannuating county surveyors, which does not at present exist, *Stokes* 977–980——It is fair that there should be provision for the superannuation of surveyors, *Lanyon* 1120——Expediency of providing a superannuation for the county surveyors, *Hill* 1484, 1485.

Supervision of County Works. Opinion of the Committee, that the institution of county surveyors has been attended with great advantage, *Rep. p.* iii——Close and proper supervision is most undoubtedly economical as regards the saving of the county funds, *Brett* 661——Evidence showing that the actual per-centage of supervision in the county of Wicklow has diminished since 1834, when there were no assistants as compared with 1854, when there were four assistants, *Stokes* 875–879——Evidence showing that the actual per-centage of cost of supervision has diminished since 1834, when there were no assistants as compared with 1854, when there were 12 assistants, *Lanyon* 1086–1088 ——Former practice with reference to the obtaining of engineering supervision or advice in large county works, *Sir John F. Burgoyne* 1381——Grounds for forming the opinion that some sort of general supervision over the county surveyors, without interfering with the grand jury, would be an improvement, *ib.* 1399. 1401–1403. 1416–1419. 1424–1426. 1435–1441——The Board of Public Works might perform this duty, *ib.* 1400——In the smaller counties witness does not see the necessity for an intermediate officer between the county surveyor and the assistant surveyor, *Townsend* 1579——The plan that witness would suggest would be a larger salary to county surveyors, and under surveyor or engineer, and an additional number of assistant surveyors also, with an increase of salary, *ib.* 1599–1621. 1628, 1629.

T.

Tate, Alexander. (Analysis of his Evidence.)—Has been a district surveyor in connexion with the supervision of public works in the county of Dublin since the commencement of 1845; 1–3——Derives his appointment under the 7 & 8 Vict. c. 106; 4——The power of appointing the number of districts vests in the Lord Lieutenant in Council, 5, 6—— The appointment being actually made by the grand jury of the county, from a list of persons qualified, 5–9——The Lord Lieutenant has the determining of the salaries, 6 ——The grand jury has the fixing of the boundaries, subject to the condition that no barony is to be divided, 7, 8.

There is a preliminary examination for the office of district surveyor, and a list of those

Report, 1857—*continued.*

Tate, Alexander. (Analysis of his Evidence)—*continued.*

persons who have obtained a certificate of qualification is returned to the grand jury, and they have the power of appointment; the Board of Examiners is a Board of Engineers, either civil or military, 9, 10——When the Act first came into operation, three districts were appointed, 11——Twenty-four candidates submitted themselves for examination on the first occasion, and witness was one of them; names of the examiners; nature of the examination; usual duration thereof, 12–18——The decision of the grand jury was not wholly confined to the order of merit, 19, 20.

Statement generally of the nature of the functions which devolve upon the district surveyors as set out in the eighth section of the Act, 21——Under the Act there is no power of providing assistants for the district surveyors, 22——It is possible for the surveyors to discharge the duties imposed upon them without the aid of assistants, 23–28——But witness is of opinion that these duties might be discharged more advantageously to the public by having an inferior grade of officer to assist them, 23–28. 44——Amount of salary which the law allows the grand jury in the county of Dublin to grant to each of the district surveyors; there are no allowances for travelling expenses, 29, 30. 35——They are not debarred from undertaking private business, 31–34.

Since the introduction of this system of supervision the condition of the roads has materially improved, and the cost of maintenance has certainly diminished, 36–43. 109–116——Further evidence in detail, showing that the power of appointment of assistants would be most desirable, and greatly to the advantage of the public, 44 *et seq.*——In many instances where it is not found practicable to get contractors, the works are given in charge to the county surveyor; great extent of extra labour which this throws upon him, and necessity for his having assistance, 44–75. 82–91.

At the time witness went up to be examined, the examiners were General Jones, Sir John M'Neill, and Mr. Roads; about twenty-four were examined, 76——No general notice was given of the examination, but witness believes any person was at liberty to present himself, 76–80——Witness is not aware that any of the persons who presented themselves were pupils of any of the examiners, 81——Witness does not know why there should be a difference in the salaries of the three surveyors for the county of Dublin, as the duties are all the same, 94, 95——The district surveyors have an equal right with other parties of sending in plans and estimates for public buildings, or alterations of county buildings; and there is a power in the grand jury to set aside these plans, 96–100.

Witness has prepared plans and estimates for works in the county of Dublin since he has been connected with it, and the works have been executed thereupon; instances of this, 101–108——Expediency of the district surveyors having the power of employing "overseers" or assistant surveyors; salary suggested; extent of engineering and surveying knowledge it is requisite they should possess, 117–121——Witness would say that three would be required for his district, and about eight for the whole county of Dublin, 122–132——If this number were granted, perhaps less than three district surveyors might be able to do the other duties of the county, 133——Grounds for forming the opinion that the nature of the legislative change which would be most desirable would be a power to grant assistants, 134, 135.

Necessity for the county surveyors having a good architectural knowledge as well as the knowledge ordinarily possessed by a builder, 136——It is therefore desirable that among the examiners there should be one of them who is practically acquainted with architecture and the details of building, 137, 138——Opinion that the class of assistants which witness has suggested would be sufficiently above the class of general contractors so as not to be influenced by them, 141——Still in any system for the management of the works there should be an endeavour not in any case to be trusting to one person, 141.

Way in which contracts would be taken at a less cost to the public if overseers or assistant surveyors were appointed, 142, 143——Detail of the grounds on which witness forms the opinion that as regards the roads and bridges, a reduction of from eight to ten per cent. on the cost might be made by the appointment of the description of officers which he would recommend, 144–148——And a more efficient system of repair and supervision be carried on at the same time, 144–148——Way in which there would also be a great saving in the amount of presentments, 149, 150.

There is even now, indirectly, a certain sum spent in overseeing, 151——Way in which the finance committees are put in funds to pay for the roads under the charge of the county surveyors, 152–158——The grand jury have nothing whatever to say to the payment, 158——Their function is merely to examine into the applications which are made for presentments, and to approve of them if they please, 158.

The district surveyors do not report specially upon every work of maintenance in the county, 159——When a special report is called for they make it, 159——In the county of Dublin it is not necessary that a certificate of the county surveyor should be attached to every presentment, 160. 166, 167——Functions of the district surveyor with reference

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Tate, Alexander. (Analysis of his Evidence)—*continued.*

to presentments which were brought before the sessions in the first instance, 161–167——Duties of the district surveyor before the contractor or the person who executes the work in any way can receive payment, 165, 166.

Evidence relative to a committee of county surveyors, which has existed for some years past, 168——They meet occasionally in Dublin, for the purpose of considering matters connected with their functions and duties, and with the supervision of works generally in Ireland, 168–177——Statistical information which has been obtained by this committee with regard to the cost of maintenance, the extent of roads repaired, and the cost of supervision as regards the county roads generally in Ireland, 178–185——The general result of this inquiry shows that there has been a great diminution in the cost of maintenance since 1834, notwithstanding the increase of traffic and in wages, 179–185——Tables on this subject delivered in, 185, and *App. p.* 116.

The Report of the Commissioners of 1842 describes tolerably accurately the functions generally of the county surveyors, 186–192——Considerable additional duties have been thrown upon them since that period, 193–196——Practically it is impossible, under the present system, that they can carry out in detail to the full extent the duties imposed on them, 197——It follows, therefore, that there ought to be a system of assistants provided for all kinds of surveyors, 198——Or that the number of county surveyors should be increased, 198——Grounds for arriving at the conclusion that the recommendation of the Commissioners in 1842, "that the system should be changed, by the establishment of district surveyors rather than county surveyors, and by abolishing the system of assistants," is not a good one, 199–205.

In reference to the question of salary, there is no doubt that the present system ought to be changed, and the position of the surveyor improved, 206——Further grounds for giving the preference to the present plan, with the addition of assistant surveyors, to the plan of district supervision, 207–218——Opinion that allowing travelling expenses would have the effect of multiplying the visits of the surveyor to the districts under his charge, 219, 220.

Examination as to the salaries of the surveyors in the different counties, with comparison of the cost of superintendence with the total outlay, 221–238——Witness does not consider that the present system of a uniform salary is a just and fair remuneration to the county surveyors generally, 239——Number of assistants in different counties, 240–245——There are some counties in Ireland which are too large for the surveyors to do the duties properly, 247.

Evidence showing that in the granting or refusing a certificate of the due execution of any contract, the surveyor has in a very slight degree to depend upon the reports of his assistants, 250–256. 259–269——Opinion that in some cases it would be desirable to increase the number of surveyors beyond what it is at present, by dividing the counties, 270–275——With good assistants it would not be necessary for the surveyor to visit each work of maintenance more than twice in a year, and he might then devote more of his time to the more important works, 276–288.

The committee of county surveyors have formed the opinion that it is not desirable that they should be restricted from private practice as architects and engineers, 289. 332–336——Detail of the grounds on which witness has arrived at the conclusion that where their private practice is enjoyed to a large extent it will be found concurrently with it that the county works are efficiently and satisfactorily managed, 289–336——Further evidence as to the preliminary examination undergone by the candidates for surveyorships, 337–344.

Witness was himself obliged to go in to be examined for the county surveyorship, although he was already a district surveyor, 345–352——The system is to hold examinations periodically irrespective of vacancies, 353——No publicity is given to the period when the examination is to be held, nor as to the result of the examination, 353–356——Nature of the examination which in the year 1847 witness had to undergo, 357–363——Improvements suggested in the mode of examination preliminary to the appointment of county or district surveyors, 364–369.

Nature of the examination witness would suggest for the candidates for assistant surveyorships; no advanced scientific knowledge is necessary, 370–390——There would be no objection to leaving the appointment and control of the assistant surveyors to the county surveyor, and making him wholly responsible, 391–394——The appointment of the assistants is now virtually in the hands of the county surveyor, but he has not the power of dismissal, 397–405. 407——The general opinion is that the appointment of the county surveyors should remain as at present, 406.

It is the opinion of the county surveyors that having reference to the increase in the amount of their duties of late years, their present remuneration is inadequate, 408–413——Practical evils arising from the want of power on the part of the grand juries to grant superannuation allowances, 414–416——Strong objection the to duties of the county surveyors being extended to the making of payments, or to interference with the funds for county purposes in any way; suggestions for remedying the evil, 417–441.

Report, 1857—*continued.*

Townsend, Horace U. (Analysis of his Evidence.)—Surveyor of Queen's County; was appointed in August 1845; had been previously surveyor in North Tipperary since 1839; 1512–1514——Was examined in December 1838; the examination was a very stringent one, 1515, 1516——Extent of witness's duties in Queen's County; has three assistants, 1517–1519——Extent to which witness is able to perform his duties personally, and extent to which he performs them through his assistants, 1521, 1522——The tendency of the duties of late years has been to increase, 1523.

It is desirable that publicity should be enjoined previously to any examination being held, and the examination papers might be published, 1527–1530——The position of the assistant surveyors should decidedly be improved as regards the salary; but their present education is sufficient, 1531–1537——The power of appointment and dismissal of the assistants should be with the surveyors, 1538——County surveyors should be permitted to take private business, 1539–1540. 1581, 1582.

Opinion that the power of the surveyor to expend money on a neglected road should not be limited by the contracts, 1543–1548——Some provision should be made to enable grand juries to present for the costs of actions brought against surveyors in the discharge of their duties, 1549, 1550. 1583–1595——Want of a summary mode by which the surveyors or contractors could obtain materials for the repair of roads, 1551–1555. 1561–1578. 1585–1595——Want of some legal provision for annulling contracts where there has been a breach of contract, 1555–1560.

In the smaller counties, witness does not see the necessity for an intermediate officer between the county surveyor and the assistant surveyor, 1579——Extent of mileage which should be given in charge to each assistant surveyor, 1580——The suggestion of Sir John Burgoyne of having circuit surveyors exercising supervision over the county surveyors would not be acceptable to them, 1596, 1597. 1630–1634——It might be desirable to have a classification of assistant surveyors, 1598.

The plan that witness would suggest would be a larger salary to county surveyors, an under surveyor or engineer, and an additional number of assistant surveyors also, with an increase of salary, 1599–1621. 1628, 1629——Way in which witness would recommend that the counties in Ireland should be classified, with a corresponding salary for the county surveyors fixed by Act of Parliament, 1622–1627.

Travelling Expenses. Opinion that allowing travelling expenses would have the effect of multiplying the visits of the surveyor to the districts under his charge, *Tate* 219, 220——The surveyors ought to have their travelling expenses allowed beyond their salaries, *Brett* 798; *Lanyon* 1176——Witness proposes that the sum allowed for the travelling expenses of the county surveyors should range according to the class of the county, *Lanyon* 1248–1274——The grand jury should have the management of this matter, and the sum presented should be a fair composition for the amount of travelling expenses actually incurred, *ib.* 1248–1274——Necessary outgoings of witness's salary in connexion with the duties of his office, *Hill* 1486, 1487.

V.

Vacancies. Opinion that the candidates, after examination, should be placed in the order of merit, with the view to the filling up of vacancies, *Galbraith* 541–546——It would be an improvement upon the present system if the successful candidates were to acquire a right to vacancies in the county surveyorships in the order of merit, *Worrall* 1341, 1342.

W.

Works, Public. See *Public Works and Buildings.*

Worrall, John Leslie. (Analysis of his Evidence)—Civil engineer, 1304——Nature of witness's experience as a civil engineer; was employed for four and a half years by Sir John M'Neill, in connexion with railways, 1305, 1306——Has since been employed in private practice in surveying, river drainage, and embankments, 1307——Was examined in 1851 before the examiners under the grand jury law, 1308, 1309.

No publicity was given by advertisement or otherwise, as to the holding of the examination, but witness having been examined at a previous examination, received a circular informing him of it, 1309–1312——There is a previous understanding that the result of the examination will be solely a subject of communication to the Lord Lieutenant, with reference to the situation of county surveyor, 1312, 1313. 1321.

Evidence showing that although witness had been returned as qualified in 1851, he was not made acquainted with the fact till January 1854; 1313–1321——This was in reply to a question witness had put to Colonel Larcom, with a view to getting employment under the corporation of Limerick, 1316–1320——Opinion that this system is calculated

Report, 1857—*continued.*

Worrall, John Leslie. (Analysis of his Evidence)—*continued.*

calculated to give great dissatisfaction to the parties examined, 1322. 1326——It would be better that the parties should know their fate, and the order in which they are returned, 1323. 1326.

The examination in 1851 was conducted by papers, and appeared to be very well conducted, 1324, 1325——Reasons why witness would say that at present the system is not altogether a competitive one in reference to the office of county surveyor, 1327–1340——It would be an improvement upon the present system if the successful candidates were to acquire a right to vacancies in the county surveyorships in the order of merit, 1341, 1342——It would be desirable to give every publicity to the examinations previously to their being held, 1343.

Witness sees no objection to the publication of the examination papers after the examination, 1344, 1345——Nature of the duties on which witness was employed under Sir John M'Neill, 1346–1349——Is acquainted with the nature of the duties of assistant surveyors under the grand jury system in Ireland, 1350——Witness does not agree with the evidence of Mr. Lanyon with reference to this class of persons, that it is not desirable to have them educated beyond a certain point, 1351——Witness thinks the higher the character and education the better, 1351–1353.

Opinion that with a salary of from 80 *l.* to 120 *l.* a year, and a chance of promotion, plenty of competitors would be found among educated young men, 1354–1356——Opinion that a scientific knowledge of the various matters connected with engineering forms an essential part of the education of candidates for the office of county surveyor, 1357, 1358——The whole of the parties on the list of 1847 have since been appointed, 1359–1362.

REPORT

FROM THE

SELECT COMMITTEE

ON

COUNTY AND DISTRICT SURVEYORS, & (IRELAND);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed*,
13 *August* 1857.

[*Price* 1*s.* 6*d.*]

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MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

DULWICH COLLEGE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
31 *July* 1857.

Jovis, 16° *die Julii*, 1857.

Ordered, That the Dulwich College Bill be read 2°, and committed to a Select Committee.

Lunæ, 20° *die Julii*, 1857.

Committee nominated of—

Mr. Baines.	Mr. Alcock.
Mr. Miles.	Mr. Knight.
Mr. William Ewart.	Mr. John Locke.
Mr. Ingham.	Mr. Taverner Miller.
Mr. Headlam.	Mr. Wickham.
Mr. Thomas Duncombe.	Mr. George Clive.
Mr. Alderman Copeland.	Mr. Cross.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Veneris, 17° *die Julii*, 1857.

Ordered, That the Petition of the Churchwardens of St. Botolph's, St. Luke's, and St. Saviour's (presented this day) be referred to the Committee.

Martis, 21° *die Julii*, 1857.

Ordered, That the Petitions from Dulwich College (Master, Warden, and others), and Vestry of St. Giles' (presented this day), be referred to the Committee.

Mercurii, 22° *die Julii*, 1857.

Ordered, That all Petitions relative to the Dulwich College Bill be referred to the Select Committee on the Bill; and that such of the Petitioners as pray to be heard by Counsel be heard accordingly, if they think fit.

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PROCEEDINGS OF THE COMMITTEE.

Mercurii, 22° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. Baines.	Mr. John Locke.
Mr. Alderman Copeland.	Mr. Duncombe.
Mr. Cross.	Mr. Miller.
Mr. Ingham.	Mr. G. Clive.
Mr. W. Ewart.	

Mr. *Baines* was called to the Chair.

The Committee deliberated as to their course of proceeding.

[Adjourned till To-morrow, at Twelve o'clock.

Jovis, 23° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Headlam.	Mr. John Locke.
Mr. Ewart.	Mr. Wickham.
Mr. Alcock.	Mr. Ingham.
Mr. Miller.	Mr. Cross.
Mr. Alderman Copeland.	Mr. George Clive.

Preamble of the Bill read.

The several Petitions referred to the Committee were read.

Mr. *Palmer* was heard to open the case on behalf of the Churchwardens of St. Botolph's, St. Luke's, and St. Saviour's, in opposition to the Bill.

Mr. *White* was heard to open the case on behalf of the Vestry of St. Giles', Camberwell, in opposition to the Bill.

Mr. *Merewether* was heard to open the case on behalf of Members of the Theatrical Profession, Petitioners against the Bill.

[Adjourned till To-morrow, at Twelve.

Veneris, 24° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Alcock.	Mr. Ingham.
Mr. Alderman Copeland.	Mr. Duncombe.
Mr. Wickham.	Mr. Clive.
Mr. Taverner Miller.	Mr. Miles.
Mr. Cross.	Mr. Headlam.
Mr. William Ewart.	Mr. Knight.

Dr. *Webster* was heard on behalf of the Dulwich Leaseholders, Petitioners against the Bill.

The Rev. *C. Howes*, Mr. *Joseph Briscoe*, Mr. *John Parson*, Mr. *John Gladding*, Mr. *Edward Medley*, and Mr. *Andrew Knox*, examined.

[Adjourned till Monday next, at Twelve.

Lunæ, 27° die Julii, 1857.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Miles.	Mr. George Clive.
Mr. Cross.	Mr. T. Duncombe.
Mr. Alcock.	Mr. William Ewart.
Mr. Taverner Miller.	Mr. Alderman Copeland.
Mr. John Locke.	Mr. Ingham.
Mr. Knight.	Mr. Headlam.

Mr. *Herbert Sturmy* and Mr. *Thomas Hall*; examined.

Mr. *Venables* was heard to address the Committee on behalf of the Master, Warden, and Fellows of Dulwich College.

Mr. *Charles Druce*, examined.

Room cleared; Committee deliberated.

Question, "That the Preamble be postponed," put, and agreed to.

Clause 1 "Scheme confirmed," read, and postponed.

Schedule read, paragraph by paragraph.

Paragraphs 1 and 2, read, and agreed to.

Paragraph 3, amended, and agreed to.

Paragraph 4, read; several amendments made; Amendment proposed, in line 3, to insert the words "members of the Church of England." Question put, "That those words be there inserted" (Mr. *Cross*).—The Committee divided:

Ayes, 3.	Noes, 8.
Mr. Cross.	Mr. Headlam.
Mr. Miles.	Mr. Alcock.
Mr. Knight.	Mr. William Ewart.
	Mr. Duncombe.
	Mr. Ingham.
	Mr. Clive.
	Mr. John Locke.
	Mr. Copeland.

Paragraph further amended, and agreed to.

Paragraph 5, read. Amendment proposed: at the beginning of the paragraph to add the words "two of the non-elective governors shall be the President and Vice-President of the Committee of Council on Education for the time being; one other non-elective governor shall be the President of the Poor Law Board for the time being" (Mr. *Duncombe*).—Question put, "That those words be there added."—The Committee divided:

Ayes, 9.	Noes, 2.
Mr. Headlam.	Mr. Cross.
Mr. Alcock.	Mr. Miles.
Mr. William Ewart.	
Mr. Duncombe.	
Mr. Ingham.	
Mr. Clive.	
Mr. Knight.	
Mr. Locke.	
Mr. Copeland.	

Amendment

Amendment proposed: at the end of the last amendment, after the words "Poor Law Board for the time being," to insert the words "and that the remaining five non-elective governors shall be appointed by the Archbishop of Canterbury" (Mr. *Knight*).—Question put, "That those words be there inserted."—The Committee divided:

Ayes 5.	Noes, 6.
Mr. Cross.	Mr. Headlam.
Mr. Alcock.	Mr. Ewart.
Mr. Miles.	Mr. Ingham.
Mr. Duncombe.	Mr. Clive.
Mr. Knight.	Mr. Locke.
	Mr. Copeland.

Another amendment proposed: after the words "Poor Law Board for the time being," to insert the words, "And that the remaining five non-elective governors shall be named by the President of the Committee of Council on Education" (Mr. *Ewart*).—Question put, "That those words be there inserted."—The Committee divided:

Ayes, 2.	Noes, 9.
Mr. Alcock.	Mr. Headlam.
Mr. Ewart.	Mr. Cross.
	Mr. Miles.
	Mr. Duncombe.
	Mr. Ingham.
	Mr. Clive.
	Mr. Knight.
	Mr. Locke.
	Mr. Copeland.

Another amendment proposed: after the words "Poor Law Board for the time being," to insert the words "and of the remaining non-elective governors, three shall be named by the Archbishop of Canterbury" (Mr. *Headlam*).—Question put, "That those words be there inserted."—The Committee divided:

Ayes, 7.	Noes, 4.
Mr. Headlam.	Mr. Ewart.
Mr. Alcock.	Mr. Clive.
Mr. Cross.	Mr. Locke.
Mr. Miles.	Mr. Copeland.
Mr. Duncombe.	
Mr. Ingham.	
Mr. Knight.	

Further amendments made. Question, "That this paragraph, as amended, stand part of the Schedule," put, and agreed to.

Paragraph 6, read, and amended, and agreed to.

Paragraphs 7, 8, 9, 10, read, and agreed to.

Paragraph 11, read. Amendment proposed (line 7): after the words "to the Master, the sum of," to strike out "1,015*l.*" for the purpose of inserting "760*l.*" (Mr. *Knight*).—Question put, "That '1,015*l.*' stand part of the paragraph."—The Committee divided:

Ayes, 3.	Noes, 8.
Mr. Headlam.	Mr. Alcock.
Mr. Ingham.	Mr. Cross.
Mr. Locke.	Mr. Ewart.
	Mr. Miles.
	Mr. Duncombe.
	Mr. Clive.
	Mr. Knight.
	Mr. Copeland.

Question, "That '760*l.*' be there inserted," put, and agreed to.

Paragraph further amended. Question, "That this paragraph, as amended, stand part of the Schedule," put, and agreed to.

Paragraphs 12, 13, 14, 15, 16, read, and agreed to.

Paragraphs 17, 18, 19, 20, 21, read, and negatived.

Paragraph 22, read, and considered.

[Adjourned till To-morrow, at Twelve o'clock.

Martis, 28° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. BAINES in the Chair.

Mr. Ewart.	Mr. T. Miller.
Mr. Ingham.	Mr. Miles.
Mr. Locke.	Mr. Alcock.
Mr. Copeland.	Mr. Headlam.
Mr. Cross.	Mr. Knight.

Paragraph 22, read, and negatived.

Proposed paragraph (A), "The governors may appoint a clerk and a receiver, &c.," brought up, read 1° and 2°, and added to the Schedule.

Paragraph 23, read. Amendment proposed: line 4, to leave out the words "and to pay the bills of the charity" (Mr. *Locke*).—Question put, "That the words proposed to be left out stand part of the paragraph."—The Committee divided:

Ayes, 4.	Noes, 4.
Mr. Cross.	Mr. Miller.
Mr. Ewart.	Mr. Alcock.
Mr. Miles.	Mr. Locke.
Mr. Ingham.	Mr. Copeland.

Whereupon the Chairman declared himself with the Ayes.

Paragraph amended, and agreed to.

Proposed paragraph (B), "The receiver, subject to the control, &c.," brought up, read 1° and 2°, and added to the Schedule.

Paragraphs 24, 25, 26, read, and agreed to.

Paragraph 27, amended, and agreed to.

Paragraphs 28, 29, 30, 31, 32, read, and agreed to.

Paragraph 33, amended, and agreed to.

Paragraph 34, read, and agreed to.

Paragraph 35, amended, and agreed to.

Paragraphs 36 and 37, read, and agreed to.

Paragraphs 38 to 48 inclusively, read, and negatived.

Proposed paragraph (C), "Chaplain," brought up, read 1° and 2°, and added to the Schedule.

Several other proposed paragraphs brought up, read 1° and 2°, and added to the Schedule.

Proposed paragraph brought up, and read 1°, as follows: "The funds to be required for erecting, providing, and fitting up the chaplain's residence, and the chapel, as contemplated and provided by this scheme, may, if necessary, be raised by the governors, by way of mortgage, under the provisions of the Charitable Trusts Act, 1853, and the Charitable Trusts Act, 1855, upon the security of any of the estates of the charity."—Question put, "That this paragraph be now read 2°."—The Committee divided:

Ayes, 4.	Noes, 5.
Mr. Miller.	Mr. Cross.
Mr. Alcock.	Mr. Miles.
Mr. Ewart.	Mr. Headlam.
Mr. Ingham.	Mr. Locke.
	Mr. Copeland.

Paragraph 49, read, and agreed to.

Paragraph 50, read. Amendment proposed, line 4, after the words "providing for," to insert the words, "a reserved fund" (Mr. *Miles*).—Question put, "That those words be there inserted."—The Committee divided:

Ayes, 4.	Noes, 5.
Mr. Miller.	Mr. Alcock.
Mr. Cross.	Mr. Ewart.
Mr. Miles.	Mr. Headlam.
Mr. Copeland.	Mr. Ingham.
	Mr. Locke.

Further

Further amendment proposed, in line 9, to leave out the word "three," for the purpose of inserting the word "two" (Mr. *Cross*), instead thereof.—Question, "That the word 'three' stand part of the paragraph," put, and agreed to.

Paragraph further amended, and agreed to.

Paragraph 51, read, amended, and agreed to.

Paragraph 52, read. Amendment proposed, line 10, to leave out the words "or of the Board of Charity Commissioners for England and Wales" (Mr. *Miles*).—Question put, "That the words proposed to be left out stand part of the paragraph."—The Committee divided:

Ayes, 5.	Noes, 3.
Mr. Miller	Mr. Cross.
Mr. Ewart.	Mr. Miles.
Mr. Ingham.	Mr. Knight.
Mr. Locke.	
Mr. Copeland.	

Further amendment proposed, lines 6 and 7, to leave out the words "shall be found inconvenient or objectionable, or which" (Mr. *Cross*).—Question put, "That the words proposed to be left out stand part of the paragraph."—The Committee divided:

Ayes, 3.	Noes, 4.
Mr. Ewart.	Mr. Miller.
Mr. Ingham.	Mr. Cross.
Mr. Locke.	Mr. Miles.
	Mr. Knight.

Further amendment proposed: after the words "Court or Board," to insert the following words: "and any provision in this scheme which shall be found inconvenient or objectionable may be modified accordingly by an order of the Court of Chancery" (Mr. *Cross*).—Question put, "That those words be there inserted."—The Committee divided:

Ayes, 4.	Noes, 3.
Mr. Cross.	Mr. Miller.
Mr. Ewart.	Mr. Ingham.
Mr. Miles.	Mr. Locke.
Mr. Knight.	

Paragraph further amended, and agreed to.

[Adjourned till To-morrow, at Half-past Eleven o'clock.

Mercurii, 29° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Miles.	Mr. Taverner Miller.
Mr. William Ewart.	Mr. Headlam.
Mr. Knight.	Mr. Ingham.
Mr. Locke.	Mr. Cross.
Mr. Alderman Copeland.	

Paragraph 53, read, and agreed to.

Paragraph 54, read, amended, and agreed to.

Paragraphs 55 and 56, read, and agreed to.

Paragraph 57, read, amended, and agreed to.

Paragraph 58, read, and agreed to.

Paragraphs 59 and 60, read, amended, and agreed to.

Paragraphs 61 and 62, read, and negatived.

Paragraph 63, read, and amended. Question put, "That this paragraph as amended stand part of the Schedule."—The Committee divided:

Ayes, 5.	Noes, 4.
Mr. Ewart.	Mr. Miller.
Mr. Ingham.	Mr. Cross.
Mr. Headlam.	Mr. Miles.
Mr. Locke.	Mr. Knight.
Mr. Copeland.	

Paragraph 64, read, and agreed to.

Paragraph 65, read. Amendment proposed (line 1), after the word "parishes" to insert the words, "being orphans, without father or mother, or at least such as receive the weekly alms of the parish where they live, or, for want of any such, other poor children of the said parishes as the elective governors of the respective parishes think in most need" (Mr. *Miles*).—Question put, "That those words be there inserted."—The Committee divided:

Ayes, 3.	Noes, 6.
Mr. Cross.	Mr. Miller.
Mr. Miles.	Mr. Ewart.
Mr. Knight.	Mr. Ingham.
	Mr. Headlam.
	Mr. Locke.
	Mr. Copeland.

Further amendment proposed (line 1): after the word "parishes," to insert the words "being orphans, without father or mother, or for want of such, then such children of poor and deserving parents of the said parishes, as the elective governors of the respective parishes think in most need" (Mr. *Knight*).—Question put, "That those words be there inserted."—The Committee divided:

Ayes, 3.	Noes, 6.
Mr. Cross.	Mr. Miller.
Mr. Miles.	Mr. Ewart
Mr. Knight.	Mr. Ingham.
	Mr. Headlam.
	Mr. Locke.
	Mr. Copeland.

Paragraph amended, and agreed to.

Paragraph 66, read, amended, and agreed to.

Paragraphs 67, 68, read, and agreed to.

Paragraph 69, read, amended, and agreed to.

Paragraph 70, read, and agreed to.

Paragraphs 71, 72, read, and agreed to.

Paragraphs 73, 74, read, amended, and agreed to.

Paragraphs 75, 76, 77, read, and agreed to.

Paragraphs 78, 79, 80, 81, read, amended, and agreed to.

Paragraphs 82, 83, 84, read, and agreed to.

Paragraph 85, read, amended, and agreed to.

Paragraph 86, read, and agreed to.

[Adjourned till To-morrow, at Twelve o'clock.

Jovis, 30° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. BAINES in the Chair.

Mr. Miles.	Mr. Alderman Copeland.
Mr. Ingham.	Mr. Miller.
Mr. Locke.	Mr. Cross.

Paragraphs 87, 88, read, and agreed to.

Paragraphs 89, read, amended, and agreed to.

Paragraphs 90, 91, 92, read, and agreed to.

Paragraphs 93, read, amended, and agreed to.

Paragraph 94, read, and agreed to.

Paragraphs 95, 96, read, amended and agreed to.

Paragraphs 97, 98, 99, 100, 101, 102, read, and agreed to.

Paragraphs 103, 104, read, and negatived.

A proposed paragraph (K), "Every establishment which may be set up, &c.," brought up, read 1° and 2°, and added to the Schedule.

Paragraphs 105, 106, read, and severally negatived.

Paragraph 107, read, amended, and agreed to.

Paragraph 108, 109, read, and agreed to.

Paragraph 110, read, and negatived.

Paragraphs 111, 112, read, and agreed to.

Paragraph 113, read, amended, and agreed to.

Paragraph 114, read, and agreed to.

Paragraph 115, read, amended, and agreed to.

Paragraphs 116, 117, 118, 119, read, and agreed to.

Paragraph 120, read, amended, and agreed to.

Paragraphs 121, 122, 123, read, and agreed to.

Paragraph 124, read, amended, and agreed to.

Paragraph 125, read. Amendment proposed: line 5, to leave out the words, "and all accretions or additions (if any) to such collection" (*Mr. Cross*).—Question put, "That the words proposed to be left out stand part of the paragraph."—The Committee divided:

Ayes, 3.	Noes, 2.
Mr. Miller.	Mr. Cross.
Mr. Locke.	Mr. Miles.
Mr. Copeland.	

Paragraph amended, and agreed to.

Paragraph 126, read, amended, and agreed to.

Paragraphs 127, 128, read, and agreed to.

Paragraph 129, read, amended, and agreed to.

Question, "That the Schedule, as amended, stand part of the Bill," put, and agreed to.

Question, "That Clause 1, 'Scheme confirmed,' stand part of the Bill," put, and agreed to.

Question, "That the Preamble stand part of the Bill," put, and agreed to.

Bill, as amended, to be Reported, together with the Minutes of Evidence.

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MINUTES OF EVIDENCE.

Veneris, 24° *die Julii*, 1857.

THE RIGHT HON. M. T. BAINES, IN THE CHAIR.

The Rev. Mr. *Howes* called; Examined by the *Committee*.

1. HOW long have you been chaplain to Dulwich College?—I have been Fellow 16 years.

2. What is the amount of accommodation in the present chapel; how many will it hold?—I think, as nearly as I can calculate, 420. That would be a very full congregation.

3. Will it not hold 500?—No, I think not.

4. What is the usual number that attend in the morning?—Our morning congregation I should call decidedly good; including the school, and so on, I should think from 360 to 370.

5. In the morning?—Yes.

6. Are there 100 in the afternoon?—In the afternoon, including the schools, there is more than 100; but excepting the schools, it is a very thin congregation.

7. Then the 300 and odd include the school in the morning?—Yes; when I say including the school, I should say it would be very nearly 400 for the morning congregation in ordinary fine weather. I never counted the number exactly, so as to speak with any great precision upon that point.

8. Then there is, in point of fact, sufficient church accommodation in the present chapel?—Yes, at present.

9. Is there not also a church at Herne Hill, about a mile from Dulwich?—Yes.

10. Is there not one at East Dulwich, a mile and a quarter distant?—Yes; within a mile and a half.

11. And at Norwood, about the same distance?—Yes.

12. Then what necessity do you think there is for a new church?—These various churches to which you have alluded were built for special purposes, and are all well filled; but if the Dulwich inhabitants should wish to go to those churches, they would not find room. Our own chapel is pretty central, and very convenient for the inhabitants of Dulwich; but if the inhabitants should wish to go to Herne Hill, or East Dulwich, they would find all the pews occupied, and no accommodation. They were built for other districts, not for the inhabitants of Dulwich.

13. But if a new church was built, would a congregation come?—Yes; there would be the congregation that at present attend the Dulwich chapel, and, in addition, all that we anticipate from the increased building.

14. Then the new congregation would, in point of fact, migrate into a new church?—Yes, I conclude so.

15. What is your salary as chaplain?—I am not called chaplain to Dulwich College, but I am a fellow of the college; I receive my dividends.

16. Have you nothing as chaplain?—No; as first fellow, I have my dividends; I am not chaplain; there is no such office recognised; I am first fellow, or preacher.

17. What is your salary for the service you confer, either as chaplain or fellow generally?—My dividend is 236 *l.* a year; at present it is an increasing income;

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as first fellow of the college I perform certain duties that will be found mentioned in the statutes.

18. You do duty as chaplain for that?—As preacher, not as chaplain; there is no such office.

19. Do you preach?—Yes.

20. Who reads the prayers?—There are two other fellows; the second and third fellows read the prayers; it is my duty to preach in the chapel.

21. Have you any house found you?—No; I am a fellow of the college, living in the college.

22. You have, beyond the 236 *l.* a year, nothing at all?—No.

23. No division of profits in any other way?—No.

24. You receive nothing else from first to last?—No, except advantages of a certain kind: free board, rooms, attendance, perfect free board, and food jointly with the other members.

25. But in point of salary?—In point of income, none.

26. You have given us the absolute income; what is the amount of your advantages in addition to your income?—In addition to that, I have about 350 *l.* a year.

27. What does it come from?—From good chambers, rent free, attendance, perfect free living, and various other matters, which it is difficult to calculate; a good library, good garden, a good gallery of pictures, which advantages it is impossible to estimate at a pecuniary sum; but they are chiefly perfect free board, attendance, and rooms rent free.

28. Making altogether about 700 *l.* a year?—Mine is calculated altogether at 500 *l.* a year.

29. If it is 350 *l.* for all these little advantages, and 236 *l.* salary, that is more than 500 *l.*?—Our incomes have been increased since those figures have been made, and are increasing every year; although we do not make any increased demand in consequence of that; yet our incomes are increased since those sums were settled, and acquiesced in by the Charity Commissioners.

30. When did that increase take place?—Last March; we divide the 4th March; that is our dividend day.

31. The report of the Commissioners is at the beginning of last year, representing the state of things at that time?—March 1856, I think it is.

Mr. *Venables.*] The Charity Commissioners reported in 1855, and the calculation is made up to 1854.

The *Committee.*] Where does that appear?

Mr. *Venables.*] In the report of the Commissioners published in 1855.

The *Committee.*] It represents the state of things at that time?

The *Witness.*] Yes.

32. Is the scheme of the Commissioners generally approved of by the parishioners and the inhabitants of Dulwich?—You have asked me rather an awkward question; I should say, generally speaking, it is the case; but there are various differences of opinion as to matters of detail; I should however be justified in saying, speaking in general terms, that it is approved of.

33. Are there any galleries in the chapel?—Yes.

34. But there is not as much accommodation as there could be, or as the building could conveniently afford?—I think the pews in the gallery are made in such a very awkward way, that with a little management there might be more accommodation than there is at present.

35. To what extent could there be more accommodation with a little better arrangement?—I think to the extent of another 80 or 100; but our pews are leased with the houses, and people are constantly applying for them.

36. What did you receive when you first became a fellow of Dulwich College, 16 years ago?—It was a little under 200 *l.*

37. Has it been gradually increasing?—It is only lately that there has been a considerable increase; for very many years it remained stationary, but for the last three or four years there has been an increase.

38. Do either you or your two juniors perform any spiritual duties in the hamlet of Dulwich?—I do alone.

39. What

39. What are they?—Visiting the sick, if called upon, and generally superintending the girls' school and the infant school, and in fact discharging the duties of a working clergyman.

40. As far as you know, has that always been the case with your senior fellow?—As far as I know; at the same time, it is a duty that has always been considered to be voluntary and gratuitous. The hamlet of Dulwich is a part of the parish of Camberwell, and has never been separated by any ecclesiastical enactment; therefore the vicar of Camberwell, strictly speaking, is the clergyman of Dulwich.

41. Ever since your recollection, has the vicar of Camberwell, or his curate, interfered in any way with Dulwich?—Not to my knowledge.

42. How are the sittings in the church appropriated?—Some of them are free, perfectly free; some rented at annual rents, and some on leases that go with the leases of the houses.

43. In what manner is the fund received from them applied?—The rent of the pews amount to 80*l.*, which goes into a fund called the repairing fund.

44. Is that a fund for the repair of the chapel?—No; it is a general repairing fund, not applied simply to the chapel, but to general college repairs.

45. Are there persons who are desirous of obtaining seats who cannot get them?—Sometimes a person may have to wait a short time, for three or four months. I do not think any length of time elapses before we are able to accommodate a person who is desirous of a pew.

46. Are there not some to be let at the present moment?—No; there is only one, and that would have been let, only it is in a very awkward position.

47. How many free seats are there for persons who cannot afford to buy seats?—I never made a very accurate calculation; I should think 160 or 170.

48. Out of 2,000?—Out of 400.

49. What I mean is, the population?—I think 2,000 is above the mark.

50. It was given yesterday as between 1,700 and 1,800?—Possibly that may be the population.

51. With your knowledge of the population of the parish, do you think the present accommodation afforded in the chapel is sufficient for the inhabitants of the hamlet of Dulwich?—Yes, as things stand at present.

52. Is there any power whatever of adding to the chapel, if necessary?—There is a power if the college choose to do it.

53. Have you space to do it?—There is space to do it; but as the chapel is part of the college, it cannot be increased without making a curious addition to to the college.

54. I see in this Bill provision for a number of boarders and day-boarders; in fact, a great many new boarders would become part of the school?—I believe it is the intention that the college should be given up to boys.

55. Then there would be no room for these boys in the chapel?—As soon as this school comes into play, the whole of the college chapel would become inadequate for the parish.

56. Are there buildings there now?—Not to a great extent; there will be shortly, but not at present.

57. If the school is carried out, and there are a great number of boarders, will there not be accommodation for the inhabitants?—No, certainly not.

58. If I understand you right, there is no other church in the hamlet of Dulwich except this chapel?—No, except the one at Herne Hill, and that is built on an extreme part of the college property; it is used more for the inhabitants of Brixton than the inhabitants of Dulwich.

59. Supposing the population to be 1,800 or 2,000, what should you call a fair proportion of them to attend the chapel?—I believe a clergyman has every reason to be satisfied if one-fourth of the population make their appearance in the church; that would make it about 480 or 500.

60. I understand you to say it would not be an easy thing to enlarge the chapel of the college without making great alterations in the whole of the building?—I think so.

61. Because it forms completely a part of the whole building?—Yes; I cannot very well describe it.

62. How many pews are let with the houses?—I think about 13.

63. Has any attempt ever been made to deal with those parties?—No, none.

 64. Have

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64. Have you any reason to anticipate a refusal in the event of the church being re-arranged?—No.

65. Do you know the size of the chapel?—No, I really do not, except by the eye; I cannot describe it to you in square yards.

66. Assuming it to be arranged in open seats, how many would it accommodate?—I think it will accommodate another 120; perhaps it might be made to accommodate a few more.

Cross-examined by Mr. *J. H. Palmer.*

67. Is there a church at Lower Norwood?—Yes.

68. Is that a large church?—I never was in it so as to be able to speak to it.

69. Is it a large looking church?—Yes.

70. Calculated to hold a considerable number?—Yes.

71. How far do you call that from Dulwich by the shortest way across the fields by any new road?—I should think certainly more than a mile and a half.

72. The nearest way to it?—Yes, I should think so.

73. Are there not some roads cut through it to make it nearer than that?—No, not yet; it is a mile and a half from the centre of Dulwich.

74. In an answer you gave to one of the honourable Members, I think you said, "If the chapel is re-modelled, and made with open seats, it is capable of holding 120 more"?—I think so.

75. Making it equal to 520?—Yes, under very good arrangement it might.

76. May I ask you if it is not the practice of many of the inhabitants at present to go to the churches at Herne Hill, Norwood, and East Dulwich?—A certain portion of the inhabitants that live near Herne Hill, or belonging to Herne Hill.

77. *Committee.*] As I understand you, parties living at Herne Hill are attached to it, and go to the church there?—Yes; it is a spiritual district that has been attached round Herne Hill Church, and enters a little way into Dulwich.

78. Mr. *Palmer.*] That is a part of the population that has been mentioned as 1,700 or 2,000?—Yes; but it is a very small part of it.

79. Are there persons now in the habit other than those—are there inhabitants of Dulwich, under the circumstances you have mentioned in the ecclesiastical part of it, who do go to other churches in the neighbourhood?—I know of none; I know of no inhabitants of Dulwich who go to the East Dulwich chapel, or Norwood chapel, or any chapel except that at Herne Hill.

80. *Committee.*] Has any other part of Dulwich been taken off?—No, only that part.

81. Can you tell how much is the acreage, and how much the population?—I cannot tell you the acreage; there are about 20 or 30 houses quite at the outside.

82. Is the population 200 or 300?—No, not so many.

83. Mr. *White.*] Has any change been made under the decree of the Archbishop, of 1850, with regard to the boys; do you know whether any boy has been sent to the university under that decree?—I know of none.

84. Dr. *Webster.*] Are they taught Latin?—I believe they are to a certain degree.

85. Who are?—The upper boys.

86. May I ask you how long that has been the case?—Evere since my day, 16 years, and before.

87. The *Committee.*] Is there any overlapping; is the chapel a room in a house, or is it built as a church or chapel?—No; it is in a court of the college; the chapel forms half of one side of it.

88. Nothing above it?—Nothing above it.

89. Then it could be raised and enlarged?—There is one gallery; it could not be raised; it might be enlarged.

90. I want to know whether it is a room in a house?—It is quite half of a side.

91. And the picture gallery at one end?—No; the picture gallery is not attached to the college; but four or five rooms are attached to that; the old women's chambers are attached to the picture gallery.

92 Mr. *Palmer.*] Has there not been a large sum of money laid out within a recent time on the chapel?—Yes.

93. What was the amount, and when was it?—I really cannot say.

94. Give us some idea?—It was a heavy outlay; something like 3,000*l.*

95. Mr.

95. Mr. *Ruston.*] Is not the pathway to the chapel at Lower Norwood impassable in winter time?—I believe it is. Rev. Mr. *Howes.*

96. So that it would be impossible to go to it?—Certainly, most inconvenient. 24 July 1857.

97. The *Committee.*] Is there any progress in buildings going on in the neighbourhood; any building operations?—In the neighbourhood there is; not in Dulwich.

98. Not in Dulwich?—No.

99. Is any portion of the hamlet laid out in the neighbourhood with that view?—A portion of our property is let to persons who are bound to build under certain conditions, and on terms.

100. It is already let for that purpose?—Yes.

101. Have any buildings been erected?—Not yet.

102. But they must be within a given period of time?—Yes.

103. Within what time?—In the next four or five years.

104. Can you give me any idea of the increase that it would make in the population of the hamlet?—I should think, from the anticipated buildings, there would probably be an increase of 1,000, calculating five or six persons to a house.

105. Supposing a new church were erected in your hamlet; have you reason to believe that persons would come from Norwood, and other places, as much as they go to them now?—I do not think it would make any difference in that respect; I think they would all keep to their present churches, as far as I know. I do not think if there were an increase of population that it would add any to our chapel; our chapel is not so conveniently situated for an increase.

106. Is there space in the hamlet for as many houses as would contain the 1,000 inhabitants that you speak of?—Yes, if they were to build in a wholesale way; but I believe that is not anticipated.

107. Is there space enough for 20,000?—Yes; you might have a very large population.

108. Mr. *Palmer.*] You have stated that there are certain persons who have taken the property on building leases, and are now under an obligation to build?—Yes.

109. I want to know what part of Dulwich that is, and whether it is not near to the Crystal Palace?—It is in a part of Dulwich near the Crystal Palace.

110. That is some distance from the centre of Dulwich?—It is the extreme part of the property.

111. It is nearer to the Crystal Palace than to the centre of Dulwich?—Yes, than it is to the centre of Dulwich; it is in the hamlet of Dulwich.

112. There is a church in Sydenham?—Yes.

113. And a church at Upper Norwood?—Yes.

114. Nearer, in fact, than the centre of the village of Dulwich to this new building property?—I should say it would be.

115. The *Chairman.*] Who appears on the petition from St. Luke's?—(Mr. *Briscoe.*) I do.

Mr. *Joseph Briscoe* was then Examined by the *Committee*, as follows:

116. I BELIEVE you are an old inhabitant and ratepayer of St. Luke's?—I am not the oldest; I have been a ratepayer for 30 or 35 years. Mr. *J. Briscoe.*

117. Have you read the scheme of the Charity Commissioners?—Yes.

118. And you have presented a petition here on behalf of the ratepayers?—Yes, on behalf of the ratepayers. It appears to those who signed the petition, that the main feature in this charity has been overlooked, one of the most important parts of it, and that is in carrying out the provisions of this extensive charity to the persons who properly ought to receive it, according to the will of the donor. If we read Item 7, we shall find in reference to the boys, "That every one of the poor scholars shall be, at the time of their several election and admission, between the age of six or eight years, or thereabouts, and to remain as scholars in the said college no longer but until they be 18 years of age at the most, and then, at the charge of the college, to be put forth either for scholars or trades, as their capacity will fit; all of them at the time of their said admission to be orphans, without father and mother, or at least such as their parents receive the weekly alms of the parish where they live; and for want of such,

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such, any other poor children of the said parishes, such as the assistants of the said parish shall think in most need." Now, it appears to us, that this feature of the founder has been materially overlooked by the present scheme. Of course, it must be admitted, that persons coming under this description could neither pay capitation fees, nor pay for board, lodging, or washing, and so on, in the college; that is quite certain respecting persons receiving the alms of the parish; for the parish would allow only 1*s.* and a loaf a week for each child; it is absurd to suppose that any of these persons with children, who are entitled to be the real participants of this bounty, could pay capitation fees, or could pay for board, lodging, and washing in the college; for that reason we think that the Bill is wrong in principle. It makes provision for quite another class from those whom Mr. Alleyn had his intentions fixed upon. He provided for the poorest; first of all, orphans without representatives, without father or mother, helpless and destitute; and in the next place, for want of these, for those whose parents received the weekly alms of the parish. It is evident that the poor were contemplated here. St. Luke's parish is a large and densely populated parish, with just the very persons, by thousands, of that kind, who come under the description that Mr. Alleyn has given of the recipients of the college; and it grieves our minds when we see that the Bill proposes to give the benefit of his bequest to persons of another class and of a different description. We have a painful duty to perform very often, when we come to attend to the wants of the poor in our parish, because of the number of applicants. We will show also, that there is another class, viz., the "poor members"——

119. Are there many orphans in the parish of St. Luke's?—Yes.

120. How many?—It is hard to say; there are a great number of widows, receiving weekly alms from the parish, and each has a number of children. There are also a great number of persons struggling with orphans without any parochial relief at all, or very rarely receiving any. Our plan is to give them 1*s.* and a loaf for every child up to 10 years of age. There are a vast number who are in a destitute situation, and with the greatest difficulty living at all.

121. Do you suppose there are 500 orphans?—Yes.

122. And these would be benefited by Alleyn's charity, if carried out as originally intended?—Yes. Then we come to another class, Item 10: "That the churchwardens and vestry of the parish of St. Botolph's-without-Bishopsgate, London, of St. Saviour's, Southwark, and of that part of the parish of St. Giles-without-Cripplegate, which is in the county of Middlesex, shall severally, in their parishes, make choice of 10 poor persons, that is to say, five poor men and five poor women in each of their parishes, to be members of the said college, to be admitted by them into my almshouses at London, and from thence they may be admitted into the college as places shall fall void." They are called members; some people call them out-pensioners; but Alleyn calls them "members of my college." Now that has been a *sine quâ non* with us; the parish have sent none but from these almshouses to go to Dulwich. The Bill is not so worded here; so far there is a digression from Mr. Alleyn's provisions. There was also to be a quarterly pension, which has been discontinued for a long time; but I will read further on: "Provided that such as they admit and choose be as near as may be single persons, about the age of 50, and such as have longest received the alms of these parishes; and if any of them, after their admittance, marry, or become single and marry again, every the said members so doing shall, by the assistants of that parish where the same shall happen, be thence expelled, and a new member chosen in his or her place that is expelled." It means that those who are the most indigent and have longest received the alms of the parish shall have the benefit, but the Bill is quite the reverse from that. Then it goes on, "that persons who, from necessity, have been obliged to apply to the parish for relief," and if we carried out the elections to these almshouses according to this will, by the votes of the vestry, it would be very well, but I am sorry to say the most deserving are not always elected; but the language of the will or statutes says, "provided that such as they admit and choose be as near as may be single persons above the age of 50, and such as have longest received the alms of those parishes." Now, we feel aggrieved in our minds when we think that this Bill is carrying the benefit of this very wealthy charity to another class of individuals. In Item 32, it is said, respecting the 30 members, these are persons occupying 10 almshouses in the three parishes: "That the 30 members shall repair to the college

college four times in every year, if sickness and infirmity hinder not them; that is, on the 4th of September, on the 4th of March, on Midsummer-day, and on the Feast of Saint Thomas; yet, if any of those days happen on a Sunday, then on the next day following, at which they are to receive their quarterly pensions and other moneys allowed them from the college." Now, I think, for more than a century, these poor people have not received any such quarterly pensions. There is one little charity left in the parish by Mr. Crewe; he lent 1,000 *l.* to the parish, and finding these people had no income from Dulwich College, as they ought to have, he generously bequeathed this 1,000 *l.* to these poor members, and the parish have continued to pay the interest of that 1,000 *l.* at 5 *l.* per cent. The parish, if they chose, could pay off the 1,000 *l.*, and the money could then be invested in the funds, which would produce less interest. This is the whole claim these people have for their maintenance, except one thing, that is, we make a rule, as we have done for many years; we make a rule at the vestry that, when we elect persons to the almshouses, we make it a condition of their election that they, who shall be sent to Dulwich College, shall allow their poorer brethren 50 *l.* a year; that is, 10 *l.* each man, and 2 *l.* 10 *s.* each woman, as we send two women to Dulwich. By these means we get an addition; some of them fulfil the whole of their engagements, some only in part; it is done with reluctance. These people have nothing to depend upon except 5 *l.* from Crewe's Charity, and what they can get from their brethren and sisters at Dulwich. Now, as soon as this Bill comes into operation this income from Dulwich must necessarily cease, because the Bill provides that, instead of having 150 *l.* a year each, as they get now, that will be reduced to 50 *l.*

123–4. Where is that?—It is the 119th section in the Bill.

125. Not exceeding 20 *s.* per week?—It would be unreasonable to ask them to give anything, when their income is thus diminished.

126. You say these quarterly payments have ceased for a hundred years?—Yes.

127. Have you any books you can refer to as to what was the amount of the quarterly payments at the last time they were distributed?—I do not think I can give it to you; according to the present state of the funds, it will be about 18 *l.* or 20 *l.* a year, but I do not know exactly what it is. I will now draw your attention, if you please, to Item 113 in the statutes: "That in Easter week yearly, the master or warden, and two of the fellows of the said college at the least, shall survey all the lands and tenements belonging to the said college, and where they shall find any want of reparation, then they are to take notice thereof in writing, and leave them with the several tenants, or at their dwelling-houses, that the said defects and wants are to be mended at the times limited by the several leases, and the said warden and fellows shall repair again to the said leased lands and tenements in the months of October then following, to survey, or see if the said reparations, wants or defects be repaired or mended accordingly; also they shall view the 30 members' dwellings, with all such lands, houses and tenements, as are not in lease, and taking notice of the wants thereof as aforesaid, shall present the same at the next public sitting, that order may be given for the repairing thereof." That includes the repair of 30 houses which Mr. Alleyn built in the three parishes, namely, St. Luke's, St. Botolph, Bishopsgate, and St. Saviour. Now, we have had no reparations done to our houses at all. They are patched up at a little expense by the respective churchwardens, just to make them as comfortable as they can be for the inmates at a small expense, and that is done out of the poor-rates. Now these almshouses have been built a good while. They are not very good for health, because they are built very near the earth; and if any articles are placed on the floor, and remain a few weeks, they will become mouldy and damp. This is not very healthy for the inmates. It is an airy situation. We have ground for 30 more almshouses if we could get them, and we have inmates for ten times 30 if we had the houses—good, respectable, well-conducted, worthy inhabitants. Many times my heart has bled when I have been obliged to give a vote to one when we have had a dozen applicants, really respectable people, whose conduct under difficulties has been so good, that I would do anything to serve them. We have had a vacancy for one when there have been 10 or a dozen applicants. If these eleemosynary branches were to be extended, it would be a great boon to such parishes as ours. The poverty and distress among the inhabitants of our parish is very great indeed; among really deserving persons, who have not brought

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distress on themselves, but by Providence they have been placed in those circumstances.

128. How many more almshouses have you room for?—We have room for 30; it is a square plot of ground, 10 houses occupy the frontage, and there is room for 10 on each side, and 10 at the back, so that they might form a perfect square.

129. And plenty of air?—Yes.

130. How much do they receive, on an average, weekly?—They receive nothing at all but what I have stated, 5 *l.* from Crewe's charity, and nothing from the college at all; the donor provided that they should have a quarterly pension, but that has ceased for more than a century. In reference to the Bill itself, it appears to us that clauses 3, 4, and 5 should be so altered as to give each of the parishes two governors instead of one. Ours is a large parish—

131. You take the same view as those three parishes take in the petition we heard of yesterday?—Yes.

132. Your parish is one of those three?—Yes.

133. You need not then go into that, because it has been already very distinctly brought before the Committee?—Yes; it was so very distinctly stated yesterday that I need not urge that any further; I cannot do it better than it was done then. The next thing that appears to us objectionable in the Bill are clauses 11 and 12. The retiring pensions to the present officers appears too high; it appears to dip too deeply into the funds of the college, and would cramp the efforts of the governors in carrying out what may be wished to be done. It appears to us also, that whatever alteration takes place in the management of the college, and the improvements, must be a gradual work.

Mr. *Venables.*] The Committee will find in St. Luke's petition this subject is not referred to.

Committee.] We have not held parties very strictly; we think we ought not to narrow the opposition to such a Bill as this. The Witness had better go on.

The *Witness.*] This petition is signed by as great a number of persons as any you have. It appears to us there is 2,836 *l.* paid away yearly in addition to the salaries of the new officers, so that it would dip into the income of the institution, it would cramp the energies of the governors, and these improvements contemplated by the present Bill cannot be carried out all at once. It has occurred to us it would be an economical mode to keep the services of the present officers till vacancies occurred, and, when vacancies so occur, to appoint the new officers contemplated by the present Bill. It would save the salaries of all the new officers until these old ones went out of office. It is true that the improvements contemplated by this Bill are very extensive, but they are not likely to be done for a considerable time, it must be a work of progress. I think that many of the improvements may be carried out by the services of the present officers; and that will apply also to section 17, respecting the appointment of a new warden,—while we have a warden in the establishment it appears to us reasonable to save the salary that would be paid to the new warden, by retaining the services of the old one. The next are the clauses from 38 to 44.

134. *Committee.*] Are those the clauses that relate to the new church?—They all refer to the new church. From the information that we have, though you have received information just now, from the last witness, the Rev. Mr. Howes, you have heard yourselves what the state of the chapel of the college is, and also the church accommodation there is at Herne Hill, East Dulwich, and Norwood. With that accommodation it appears to us that Dulwich College affords quite as much church accommodation as ought to be expected from a church of that sort. If at any future time Dulwich should increase in its population and require further church accommodation, it does not appear to us to be quite fair to call on the charity to supply that necessity, because Mr. Alleyn, I think, contemplated the worship of the inmates of the college to be carried on within the college; he did not contemplate the inmates, namely, the poor brethren, sisters and scholars, to go to any distant place for worship; but he contemplated that they should worship within the walls of his own establishment, and the chapel affords accommodation in the college for all who are likely to attend it for a considerable time. Up to the present time there has been ample accommodation for that number, and many

of

of the inhabitants of Dulwich too; and if any further want should arise at any future time, it occurs to us it would hardly be fair to use the charity money; to take it away from these very poor people who ought to be recipients of it, and should have all the benefit of the charity. The new church will occasion a very heavy outlay, when you estimate the value of the ground, and the different sums that each of these objects will cost. The total will run away with the best part of 20,000*l.* The value of the land must be something considerable, with the different approaches, inclosures, and so on. The minimum of the building is 4,000*l.*, and the maximum will be either 6,000*l.* or 7,000*l.* The minimum of the incumbent's residence is 1,000*l.*, which will most likely reach 1,500*l.* or 1,600*l.*, for aught I know, in all probability, one way or another. It seems to us not fair to appropriate the funds of the property for this purpose, and especially to mortgage any of the property for this purpose seems to us most unjustifiable.

135. Does your petition say anything as to the church?—Yes.

136. Are you fairly stating the sentiments of the petitioners?—Yes.

137. You do not agree with the parish of Camberwell in reference to the erection of the church, because you are of opinion that the present church is sufficient?—No; because our interests are different to those of Camberwell. Camberwell wishes to see a church established there, because they would be relieved from certain incumbrances; it would be different as to other parishes; at present it is all in favour of Camberwell.

138. The church would be in the parish of Camberwell?—Yes. The next point is in respect of the chaplain. If the church were omitted, then clause 47, in reference to the chaplain, would be omitted also. Then the next clause I would like to draw your attention to is clause 50, in reference to the eleemosynary branch.

139. That is the proportion in which it is to be divided?—We think, on looking to the statutes, and looking at it in different ways, we think the eleemosynary branch occupies or takes up at least one-half, or rather more. We think it ought to be equally divided, and equal parts allotted to each; out of the 600 parts, we can show there are 310 belonging to this eleemosynary branch.

140. Can you show that from the statutes?—It will be seen from this paper, (*handing it in*).

141. What is that paper drawn from?—It is drawn from the statutes.

142. We must keep to the word "item;" you mean the statutes of the founder?—Yes.

143. And you refer to certain items to establish this view?—Yes, Item 117.

144. That is about the mode of apportioning the income?—Yes.

145. Now, we will begin with the 600 parts?—If it be necessary, I will go through each item; we have divided the master into two parts, half eleemosynary; the master has 40 parts, of which we give to the eleemosynary 20. The warden has 30 parts; we give to the eleemosynary 15, that is half. The same with the first senior fellow 12, we give six; second senior fellow 12, we give six. The third and fourth senior fellows, 10 each, we have not filled up. They are educational; both schoolmasters.

146. Then you do not alter theirs?—They belong to the educational part.

147. Is that the whole?—No; the first chaunter, or senior fellow, six, we give three to eleemosynary; and second ditto.

148. You have the whole, I think?—Not quite half; it cuts all but the two schoolmasters; they belong to the education part.

149. We may say the half, with that exception?—Yes, you may say the half, with the exception of the schoolmasters, would amount to 310. Twelve poor brethren and sisters, that is all eleemosynary, 109½ parts.

150. I do not know that it is necessary to go through the whole of the items in the case of the schoolmasters; you say you have assigned the whole there to the educational part?—Yes; it produces 310 parts to the eleemosynary out of the 600.

151. Rather more than half?—Yes; and the scheme apportions one-fourth.

152. Do you not include the educational system in the eleemosynary; do you not call it eleemosynary?—Yes; but the Bill makes the distinction, and divides it into four parts.

153. But is it not fair to poor people to include the educational under the eleemosynary?—Perhaps it ought to be considered eleemosynary; but in the Bill the two are kept distinct; for one they allow 3-4ths, and for the other 1-4th.

154. But do you not admit that to take the children of the poor people of St. Luke's, and giving them an education, that the fair term to be applied to that is eleemosynary?—

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eleemosynary?—It is a kindness; but we think the scheme is one the founder, Alleyn, did not contemplate, and will not, at our distance from the college, benefit our parish. If they have each to pay capitation fees, and board and lodging, and so on, the people might as well send their children nearer, to a school in the neighbourhood. We think, with all respect, that the class of individuals named by the founder are those quite helpless.

155. In the early part of your examination, you objected to capitation fees?—Yes.

156. Suppose the capitation fees were taken off, would that answer your purpose?—I am about to recommend something presently that I think will answer our purpose and that of the parish better. I conclude that the eleemosynary being one-half, is established from the fact of Mr. Alleyn himself making provision for only 12 boys and 12 adults. There are 24 inmates,—12 boys for education, and 12 poor brethren and sisters. Now, if the share of 12 poor brethren and sisters amounts to 109½ parts, it cannot be shown that 12 boys consume anything like the amount of 150 *l.* a year each. That is conclusive evidence that the eleemosynary branch ought to have at least half to carry out the wish of the donor. Well, then, from clauses 53 to 75 we think them altogether inapplicable to our case as a parish, and as to the provison of the founder, namely, the upper school with all the capitation fees, and board and lodging, and various expenses. It will be a very great expense to the college even if the board and lodging is charged at cost price, because there must be buildings and attendance, and a variety of circumstances attendant upon it; it will be an expense to the institution; and, the capitation fees varying from 6 *l.* to 10 *l.* each, with the board and lodging, are such expenses as the persons described in this Bill never could never pay. So far from reaching the necessities of the poor, whose cause I wish to advocate, living in a parish which is densely populated with poor—the education of the poor is what Mr. Alleyn intended to provide for, and I think, with all respect, if the Committee would grant us day-schools in each of our parishes for 100 boys—clothing and educating 100 boys—and so give education to 300, instead of 100, it would be done at one-third of the expense of this upper school, and, perhaps, less than that. I apprehend you could get 100 boys clothed and educated in the different localities for 500 *l.* a year at each school, and that upper school could never be conducted without an expenditure of several thousands a year. There are eight exhibitions amounting to 800 *l.* a year, besides other very expensive arrangements.

157. But those are for the Universities?—Yes, I am quite aware of that.

158. You would propose to strike all that out?—Yes; I am quite of opinion that at what is now called the lower school, and then would be the only school at Dulwich, you can carry out all the founder intended by proper masters. Boys would be trained, and could be brought sufficiently forward in the lower school to be sent to the Universities, if their acquirements justified it, quite as well as in the upper school, and you would save all the expense of the upper school. What I ask for on behalf of the poor of St. Luke's, whom I represent, is, that you will give a superior English day-school for 100 boys, to be clothed and educated in our own parish. There would be a very great advantage attending it.

159. You ask to clothe and educate 100 boys?—Yes; and there would be a very great advantage attending it. Now, this Bill seems to state one of the qualifications for the boys being sent to Dulwich is that they shall be able to read and write. Now, it cannot be expected that orphans and children of the poor, who are receiving alms from the parish, can be so qualified unless the parish has the opportunity of teaching them to read and write first of all, or without the parents themselves have taken the pains to educate them so as to qualify them to enter the school at Dulwich. It has been complained at Dulwich that the boys we have sent have made but little progress in their learning, and that they did no great credit to the foundation. If you were to give a first class day-school in each parish, that would be a sort of preparatory school to the Dulwich school, and the boys who made progress in their learning at that school in the parish would be far better qualified to be sent to Dulwich when vacancies occurred; and you would be conferring a most important blessing on the three parishes if we could prevail upon you to take that view of the matter.

160. Have you made any calculation as to the expense of clothing and educating 100 boys, by which you make it come to 500 *l.*?—I have not gone into it minutely, but I presume 100 boys could be very well clothed and educated for 500 *l.* a year.

161. Not boarded as well, of course?—No; they would be only clothed and educated, and would lodge with their parents.

162. That would be 5 *l.* apiece on the average?—Yes. We have two schools in the parish already, and when vacancies occur, and there may be an election for seven or eight boys, there are forty or fifty candidates, so that a great number are of course disappointed. If we had an extra school conferring this privilege and blessing, it would be a very great boon to the poor residing in the parish.

163. Are you suggesting this for the three parishes, St. Luke's, St. Saviour's, and St. Botolph's, Bishopsgate?—No, we are pleading for St. Luke's.

164. But you are suggesting this for each?—I should like to see it carried out in the three parishes.

165. I do not understand exactly what you suggest?—One for each parish.

166. Would you have one for Camberwell?—I think you would have day scholars in the college from Camberwell; but if it is not so, there should be one for Camberwell as well.

167. That would, on a fair calculation, be 1,500 *l.*?—Yes, at that rate of calculation.

168. In the schools you have mentioned there would be a great competition?—Yes.

169. You suggest merely for clothing and education?—Yes, nothing beyond that.

170. You would not propose that the boys should pay any capitation fees?—No, they should be quite free. Then by section 80 of the Bill, the number of boys in the lower school, as it is now called, is limited to 70. We were thinking, if it should be the will of the House, to do away with the upper school, and confine it to the lower school, that the boys who were intended for the upper school, namely, 24, should be allowed to augment the present school, so that, instead of 70, there would be, we may say, 100 boys.

171. You propose that the limit should be altered from 70 to 100?—If the Committee pleases.

Mr. *White* desired to object to the witness being allowed to go into matters except such as had been before the Charity Commissioners; it was not for the witness to come there with fresh measures concocted only yesterday.

The *Committee* said they knew of no such rule; they were desirous to hear persons whose interests were affected by this scheme.

Witness.] Then as to sections 103 to 106, these all refer to boarders and a boarding establishment; which of course we suggest the propriety of omitting.

172. There should be no boarders?—Not at Dulwich. It seems to involve a good deal of labour to manage and arrange a boarding establishment, which would, in fact, be a charge on the charity fund.

173. Which would, in fact, be a charge on the charity fund?—Yes. The next section is 114; the number of almspeople named in the eleemosynary branch here is limited to 24; they are at present 12; their present income is 150 *l.* a year each, but the scheme now limits their allowance to 20 *s.*

174. Not exceeding?—Not exceeding 20 *s.*; consequently one-third of the present income will be taken away from that eleemosynary branch altogether. Now, we think if the institution could afford 150 *l.* for each of the 12, it could afford to say 36 instead of 24; that would augment the number to 36, without increasing the whole expenditure that is incurred at present. You see we are advocating for the poor in every way we can get it, the almspeople to be increased from 24 to 36.

175. What do you propose to give?—Twenty shillings, as it is here; the allowance is very good.

176. But if I understand you, St. Luke's and St. Botolph's are not to get one penny of the 20 *s.* a week?—They do not; we have not asked for that.

177. Do you observe in Clause 114 there is nothing to prevent there being 36 recipients?—No, there is not.

178. It is already provided for in the first instance they should not exceed 24?—Yes.

179. And that, I think, is an inference they should be increased to more than

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that number?—I have not so considered it. In order to simplify it, as we have referred to a good many clauses, and to make the request as concise as possible, I have drawn out a scheme of five particulars, embracing all the alterations we suggest.

180. You propose to hand in a paper containing a summary of the alterations that you, on the part of St. Luke's, propose?—Yes.

[*The same was delivered in, and is as follows:*]

SUMMARY of PROPOSED ALTERATIONS in the BILL.

1st. To select two governors from each of the parishes.

2d. To enlarge the proportions allotted to the eleemosynary branch of the charity, thereby to accomplish more fully the benevolent designs of the founder.

3d. To omit the clauses in reference to the new church and the incumbent's residence, as not being needed for the purposes of the institution.

4th. To omit the whole arrangements for the upper school and boarding establishment, as being inapplicable to the needy circumstances of the scholars; and as soon as the educational funds will permit, to establish a superior day-school in each of the parishes interested, for clothing and educating of 100 of the orphans and other needy poor of the description set forth in the statutes of the founder.

5th. To make a moderate provision for the maintenance of the destitute almspeople (or members) in the several parishes; to repair their houses when needful, and increase their number as soon as the funds will permit.

Mr. *White* objected to any papers coming from one of the ratepayers being taken by the Committee as coming from the vestry.

181. The *Committee.*] You are the vestry clerk, are you not?—No, I am a vestryman. As the subject of the meeting of ratepayers has been alluded to, perhaps you will allow me to explain. I am ready to answer any questions in reference to it.

The *Committee.*] You will answer these questions presently; but we will go on with your examination now.

182. You are handing in this paper as containing your views on the subject?—Yes, my views and those of the other petitioners who are with me.

183. In support of the petition?—Yes.

184. How many petitioners are there?—Two hundred and seventy.

185. Are they inhabitants?—Yes, and housekeepers and ratepayers.

186. Of Saint Luke's?—Yes; there are 270, and we might have doubled and trebled the number if we had had time.

187. Does not that petition, signed by 270 inhabitants and ratepayers of Saint Luke's, express the general feeling of the parish?—Where one refused, we had five or six willing to sign.

188. How did this petition originate?—We called a meeting of the ratepayers of the parish of Saint Luke's. I suppose there were about 50 or 60 signatures to the requisition sent to the churchwardens (I forget the exact number), to ask them to convene a meeting of the ratepayers; and the meeting, I suppose, owing to the want of publicity and want of interest, and want of knowledge of the circumstances, was very thinly attended. There were two motions; one was that a petition be sent to the Members, embracing as near as possible the views I have now expressed. For that motion there were nine votes, and against it 20. The 20 were in favour of letting it be in the hands of a joint committee, of which I am a member. We met several times in St. Saviour's on the subject, and I regret to state that at this time last year the committee met, and we went over a great number of clauses in the Bill, and suggested improvements. A deputation of eight members was appointed to wait on the Charity Commissioners to urge the alterations that we had suggested in the Bill; but from some circumstance that I cannot account at all for, only one subject seems to have been pressed by that committee.

189. Were you present?—No, I was not.

190. You have only heard it then?—I was not in the deputation.

191. You should speak only of that which is within your own knowledge?—I was going on to say after the return of the deputation, it appears the only point advocated by the joint committee, was the number of governors; since then the church has been added, and that has afforded another source of opposition for the joint committee; they have met several times, and determined what they should

should do without the parish at all knowing. It referred to the vestry who appointed the joint committee, and they met at St. Saviour's two or three times; that is all the parish has been told about it; it has turned out to be a failure; it was expected there would be 400 or 500 people present, but there were not above 50 or 60; and when they came to vote late at night, there were not above 30.

192. Is it not your opinion if there was a public meeting held now in the parish, cognizant of all the facts of the case, and of the scheme, that you would have a very large meeting?—I have no doubt whatever it would be an overwhelming meeting, and we should have nine-tenths of them on our side.

193. Totally reversing the opinion come to by the former meeting?—I am quite sure.

194. The other, in point of fact, was a packed and secret meeting?—There were bills published announcing it.

195. But the public did not come?—They did not come.

Cross-examined by Mr. *J. H. Palmer.*

196. I rather think there was a vestry meeting called to consider that question?—No.

197. Was no vestry meeting at all called?—I believe not.

198. Do you mean you never heard of a vestry meeting?—No; within what time; how long is it since?

199. In the month of November last?

200. Was there no meeting called in that month?—I do not recollect there was any meeting.

201. Not to consider this question?—I do not think there was.

202. Were there not handbills published to convene the meeting?—Oh, that was about two months ago.

203. Two months ago there was a vestry meeting?—No, not a vestry meeting; a meeting of the ratepayers.

204. That is the meeting to which you have alluded?—Yes.

205. You say there was no other meeting in November last at all?—I do not know; there might be, but I do not recollect any.

206. Cannot you recollect whether there was or not?—I cannot tell, but Mr. Parsons can; I do not recollect myself.

Committee.] If the vestry clerk is in the room he can explain.

Mr. *Palmer.*] We will call him before you directly.

Cross-examined by Mr. *Venables.*

207. I understand you to say there were certain almshouses which Dulwich ought to keep in repair, but have not done so?—Yes.

208. And certain almspeople to whom they ought to make allowance, which they have not?—Yes.

209. Are you not aware that that question was raised in the inquiry before the Court of Chancery, and decided by the Master of the Rolls in 1841?—Yes.

210. Are you not aware that it was decided that these almspeople were entitled to nothing from Dulwich College, that there was no trust with respect to them, and had no claim upon the college?—I am quite aware of that.

211. Then why do you state that the governing body of Dulwich College ought to maintain these persons, and repair these almshouses?—Because I find it in the statutes; a technical objection was taken to an allowance of those people, because the charter was obtained of King James before the statute was made; and although Mr. Alleyne described it in his statutes that they should have this allowance, yet because it was not in the patent given by James the First, it was held that Mr. Alleyne, having parted with his property for an express purpose, could not add to it afterwards, but now the thing is open to a fresh arrangement. I think, therefore, that what was intended by Mr. Alleyne's will ought to be conceded and carried out.

212. Is it not within your knowledge that the governing body acted strictly according to law?—They may have acted according to law, but not according to equity.

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213. Do you mean to say that the administrators of the charity are at liberty to apply the funds to purposes declared to be contrary to law by a decision of the Court of Chancery?—They did do it for upwards of 100 years.

214. Mind, I have nothing to do with the future scheme. Your charge is confined to this, that they have acted in accordance with the orders of the Court of Chancery?—I believe they have.

215. The *Committee.*] But contrary to the words of the founder, according to your construction?—Yes. The statute was written after the patent was given.

Mr. *John Parson*, called in; and Examined by Mr. *Palmer.*

Mr. J. Parson.

216. WHAT office do you hold?—I am vestry clerk and clerk of the guardians of Saint Luke's.

217. How long have you been so?—I have been vestry clerk 15 years.

218. Was there a meeting called in your parish to consider the question of the application of the funds of Dulwich College?—Yes.

219. Was there a meeting held in November last?—There was.

220. Was that a meeting of the parish, or of the vestry?—A meeting of the vestry.

221. How was that meeting convened?—By an ordinary notice. Every member of the vestry had a notice sent to him.

222. How many notices were there?—About 60.

223. The *Committee.*] Is it a select vestry?—It is under Sir Benjamin Hall's Act.

224. Mr. *Palmer.*] Will you state what was done at the committee?—One question that was discussed was the propriety of the course adopted on the previous occasion; the vestry determined on appointing a committee to watch the further progress of the matter, giving to the committee full authority to deal with it as they thought best for the interests of the parish. I should explain that for many years past the vestry of St. Luke's have had a species of standing committee to watch this matter. They watched it before the Charity Commissioners; they watched it in the House of Lords last year; and they have, in concert with the parishes of St. Botolph, Bishopsgate, and St. Saviour's, Southwark, constantly attempted to take care of the interests of the parish. This committee was appointed originally by the late vestry, which consisted of 1,500 ratepayers.

225. You attended the Charity Commissioners?—Yes, I believe on all occasions.

226. The *Committee.*] And the scheme for settling by the Charity Commissioners met with approbation?—Yes, except as to the number of governors.

227. Did the other two parishes concur in that opinion?—They did.

228. Mr. *Palmer.*] And the petition you presented from the united parishes emanated from your body of vestry as well as those of the other parishes?—The churchwardens are merely the hands, they signed the petition as sent, but they acted in accordance with the united committee.

229. Mr. *White.*] The parish of Camberwell went also with you to just the same extent?—Yes, but not being assistants we did not combine in our petition.

230. Did not Camberwell parish agree with the united committee in all questions except that with regard to the double number of foundation boys?—I believe in all material points Camberwell united with the other parishes.

231. Are the Committee to understand that the inhabitant ratepayers of the parish of St. Luke's approved of the recommendation of the Charity Commissioners, as laid down in that scheme?—Yes, except those who signed the petition for which Mr. Briscoe has appeared.

232. They all did?—We have had ratepayers' meetings, and we have had vestry meetings under the late Acts, and under the present Act, and on all occasions except one the matter has been left in the hands of the present managing committee. On the late occasion, Mr. Briscoe, being a member of the committee of the vestry appointed to watch over the interests of the parish of St. Luke, being dissatisfied with the proceedings of the body, determined to appeal to the ratepayers at large, and a requisition signed by 50 ratepayers was handed to the churchwardens, with a request that a meeting of rate payers should be called; that meeting was announced, notices were given as Mr. Briscoe himself

self required; I am speaking now from recollection, and I may be wrong, I think there were at least 2,000 handbills published of the intention to hold the meeting.

Mr. *Briscoe.*]—One thousand only.

Witness.—I met Mr. Briscoe, and he said that considering the importance of the meeting, sufficient publicity had not been given to it, and I said to him, "What do you wish?" and he told me he wished 1,000 handbills should be printed; I said, "Very well." Considering our parish only contains a little more than 4,000 ratepayers, I think that good notice of the intention of holding this meeting was given. When the evening for the meeting arrived, instead of the meeting being full, it was empty; there were only about 50 ratepayers present; we had a full discussion of the whole matter; I had an opportunity of answering Mr. Briscoe's comments on the scheme, and the result was, the ratepayers left the matter entirely in the hands of the committee of the vestry.

233. Am I to understand that the parish of St. Luke's agree to the recommendation to establish this new church?—Certainly not.

234. That was not any part of the Charity Commissioners' scheme?—No; it was opposed by the united parishes very strongly.

235. Was not the parish of St. Luke's asked to support two governors instead of one?—Yes, and so were the other parishes.

236. That is a part of the Commissioners' scheme?—No, it is not a part of the Commissioners' scheme; they only gave us one; we objected to that.

237. Then you were not so unanimous as you say; you did not approve of the whole of the Commissioners' scheme?—We approve of the whole of the Commissioners' scheme, with the exception of that part relating to the appointment of governors, and we suggested instead of the Commissioners' scheme that there should be 16 governors: the parishes to appoint eight.

238. In the last discussion of the vestry was the eleemosynary part of the subject under their consideration?—Not in the vestry, but it has been in the committee.

239. Then the discussion you had with the ratepayers was duly convened; you say 1,000 handbills were issued before it was discussed?—Yes.

240. And thoroughly circulated before the meeting, so that any ratepayer who chose could attend?—Yes, before the meeting, so that all might attend.

241. Do you approve of any new governor to be appointed by the Court of Chancery?—No, we do not approve of any appointment of governors by the Court of Chancery; we do not see any reason why the Court of Chancery should have so large a power; we feel if eight governors are given to the united parishes, although we object to the appointment by the Court of Chancery of the other eight, still we shall have the power of protecting ourselves.

242. Do you agree to the scheme in point of fact, except as to those matters stated in your petition?—Yes, we do.

243. That petition refers to the number of governors to be appointed by the parish, and other things?—Yes. I should state to the Committee, with regard to what Mr. Briscoe has said as to certain matters not being brought before you, that we thought it unwise to encumber the petition with a variety of minor points, and we abandoned many points with the view of placing before the Committee the great point as we thought,—the appointment of governors. At that time we never contemplated such an appropriation out of these funds as the erection of a church and a clergyman's residence. We were satisfied with the scheme of the Charity Commissioners for the enlargement of the chapel; that was reasonable, and that it should be rebuilt on the college ground when necessity requires it; but to erect a large church, &c., we object. Camberwell is a rich district, and if they want further church accommodation they should be left to obtain it for themselves.

244. A very important suggestion has been made as to schools being established in the parish for 100 boys. Has that subject been discussed?—It has.

245. Is there any objection to it, and if there is, what is it?—The objections are these: The parish of St. Botolph is in the City of London, and, I have no doubt, you will remember that in the City of London there is a school of great value, called the City of London school. They say to us, We do not want such a school in our parish, we can send our boys to the City of London school. And the parish of St. Saviour's, in like manner, say, We have an exceeding good school in St. Olave, Southwark, and besides that, there is the Newcomen school; we do not,

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not, therefore, require a separate school. It is only, therefore, wanted for St. Luke's. Now, finding those two parishes were against us upon that point of having local schools; and finding also, however desirable it might be for us, that it had not been provided for by the founder, that is, any separate establishment from Dulwich, we thought it wise, an equivalent being given to us, which is provided for by the scheme, to abandon that, which, no doubt, would be a very desirable thing for the parish of St. Luke's to have. Mr. Briscoe says, that 500*l.* a year will maintain 100 boys; no doubt it will at the national school, but we have several of them; there is hardly a religious denomination in the parish but has a school; I daresay there are 6,000 or 7,000 boys educated at this time in the various schools in our parish; we do not want another such school; what we want is a school of a better sort, and our object would be to have a school something like the City of London school.

246. Is not the capitation fee a virtual exclusion?—Not in the lower school; the amount is small; the boys in the upper school will have to pay for this board and lodging, and also a capitation fee, which in part will discharge the schoolmaster's stipend; therefore a very small sum only will be taken from the founder's fund, for the upper school.

247. You would not select from your parish an actual pauper to go to such a school?—We never have done it, although these are the words of the founder. I speak from experience, we never have sent the child of a pauper to Dulwich since I have been vestry clerk. We have had complaints made of the class, and it has been said that the boys who have been sent derived little or no value from the education they received, and that they were continually found playing in the streets. They have said, You must send us a superior class of boys, and we will give them a superior education. The result of that representation was, that we did send superior boys. I have known the child of a clergyman asked to be sent, and also the son of a deceased medical officer, and no doubt if the schools were better arranged, applications would be made from most respectable tradesmen and decayed professional men to have their children sent there.

248. Like the Blue Coat school?—Precisely.

249. And you think similar children would be sent from St. Luke's?—Yes.

250. What is the number of boys and girls who are clothed at St. Luke's schools as well as educated?—I think it is 220.

251. I thought you said you approved of Mr. Briscoe's scheme for St. Luke's?—Yes; but not of Mr. Briscoe's school, if it is to be a species of national school.

252. You do not approve of Mr. Briscoe's school?—No.

253. You think the best application of the donor's funds would be to provide schools for the middle and upper classes?—I do not think the children of the upper classes will be sent to school at Dulwich. I think the children of the middle classes would go into the upper school; we propose that boys educated at the national schools, who exhibit considerable talent, should be sent to the lower school; and by this scheme they are eligible, if they manifest ability and talent, to be transferred from the lower to the upper school.

254. You are aware by the letters patent, the founder gives those funds towards the relief and sustenance of poor men, women, and children?—I am aware of that.

255. That is the intended application?—Yes.

256. Do you not think it is a plain departure from the letters patent, and from the intention of the founder, to take those funds from the poor, to give them to the superior classes, who are so much better able to take the expenses on themselves?—I quite admit it; but when the founder lived, there were no national schools, or other means of educating the very poor; and I do not think the founder contemplated the present state of things. I think it would be more advantageous for my parish, having national schools, to have a superior school where such children can be sent to, rather than to have an enormous national school down at Dulwich.

257. If we go a little further into the founder's intention we shall find these children are also to be taught trades, and to be apprenticed. Do you not think a great deal of money might be properly and well applied towards teaching trades and apprenticing the children, than by applying it to the upper classes, who are able to take care of themselves?—I think it very desirable to apprentice children, but to teach them trades would be a failure.

258. Why so?—We find, if we attempt to teach poor children trades in our workhouses,

houses, all we can do is to teach them a little tailoring and shoemaking; and as soon as the boys come to a proper age, we are glad to apprentice them. Mr. *J. Parson.*

259. In fact, the best way of teaching a boy a trade is to apprentice him?—Yes. 24 July 1857.

260. If I understand you right, instead of selecting children from the respective parishes, what you would do would be to select them, by a system of examination, from the national school?—It is pretty much the same.

261. Should you be satisfied, supposing the Committee should consent to such an arrangement, that the children should be examined, be taken from the respective national shools as candidates for Dulwich?—I think the parish would obey the decision of the Committee, but I have no instructions on the point. With regard to the almspeople, you infer, from what Mr. Briscoe has said, that we are indisposed to consider poor almspeople in the parish, but that is not so. The almshouses are in a very dilapidated state; they would cost a large sum to put in order. The ground on which they stand is much sought for by St. Luke's Hospital, and the question is, whether or not they shall remove that asylum into the country, or whether they shall enlarge the airing-ground for their insane patients, and we have deferred doing anything to the almshouses for some years past under the expectation, in the first place, that this Bill would pass, and provide for an increased number of almspeople at Dulwich, and that St. Luke's Hospital would take the site of the almshouses. We have a proposition at this moment from St. Luke's Hospital to purchase some of the ground for the parish at the back of the almshouses, and they have also expressed a desire to have the site of the almshouses, giving us such a sum of money as will enable us to erect almshouses either at Dulwich or elsewhere. Therefore what we think is this; if we are to have new almshouses, it is not desirable to have them in the heart of a densely-peopled parish. We should erect almshouses in the vicinity of the metropolis, like the Dyers' Almshouses at Wandsworth, and the Fishmongers' Almshouses.

262. You still think the system of almshouses, the same number, should be kept up as now?—We are desirous of increasing the number of almshouses.

263. To whom does the site of the alms estate belong?—It is vested in the parish.

264. What is the size of the area?—It might be 150 yards square; there is a large garden at the back, which to the poor people is rather an incumbrance than a benefit.

265. Would there be any legal right, supposing you could sell the site to St. Luke's Hospital, to lay out the proceeds in the erection of almshouses?—I have no doubt St. Luke's Hospital would find no difficulty in obtaining an Act. I may assume, as a matter of course, that the Charity Commissioners would take care that proper clauses for the protection of the charity would be put in.

266. Have they not power now?—I believe they have, but there are other reasons why St. Luke's Hospital want an Act; there is an old burying-ground as well.

267. It would be a great improvement to St. Luke's parish to get rid of the hospital altogether, would it not?—It would depend on what we had instead; if we got a large number of indifferent houses, such as we have now, it would be no benefit to the parish to have a large number of paupers.

268. To get rid of that establishment would be an advantage?—I am not sure it would be so; they have large airing grounds at the back, and it would be an improvement to the vicinity to increase them; at any rate they do not calculate upon their removing such a large building to the country; it would be more economical to increase the airing ground.

269. If it is good for almspeople to be removed to the country, it would be equally good to the patients in St. Luke's to have country air?—It would be better for them to be there than in the middle of St. Luke's parish.

270. How many almshouses have you?—Only ten.

271. Covering two or three acres?—No, I should say not the eighth part of an acre.

272. Did you say 150 yards?—That is the outside; there are ten small cottages. I ought to be talking of feet rather than yards; the frontage is 150 feet.

273. I understood you to have expressed an opinion, that, with the exception of what we call the church clauses, also the clause about the number of governors, this scheme as it is settled by the Charity Commissioners would meet

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with the general approbation of the three parishes?—Not with regard to the appointment of a warden.

274. That was introduced in the House of Lords?—Yes.

275. That was not in the original scheme; but with these three exceptions, you conceive the scheme would be fraught with important public advantages to the three parishes?—We do.

Mr. *John Gladding*, one of the deputation, conjointly with Mr. *Briscoe*, and also one of the petitioners, begged permission to make a few observations by way of explanation.

The *Committee* assented.

Mr. *John Gladding*, called; and Examined by the *Committee.*

Mr. *J. Gladding.*

276. WHAT are you?—I am an inhabitant and ratepayer of St. Luke's. I wish to make one or two observations in addition to what Mr. Briscoe has said. I signed the petition, not in opposition to our vestry clerk and the united parishes. We apprehended that they perhaps might be unable to agree upon so many points, and we thought it material to secure the benefit of this important charity to as many people, both old and young, as possible; and we conceived that by saving the money which would go towards the church and the rector's house, and by reducing the amounts for superannuation allowances, which we thought too large, that there would be money to spare for the important objects Mr. Briscoe has alluded to. Meetings have been alluded to; there were two vestry meetings and two public meetings in the parish. At that vestry meeting the opinion of the parish was very fairly expressed, and if the parishioners did not choose to attend such meetings, I think they have no right to complain. We came just to ask for these things as supplemental rather than in opposition to the petition of the united parishes.

Mr. *Medley*, one of the petitioners, applied to the Committee to be allowed to give some explanation.

The *Committee* assented.

Mr. *Edward Medley* called; Examined by the *Committee.*

Mr. *E. Medley.*

277. WHAT is it you wish to state in addition to what has already been urged?—Mr. Briscoe has stated all I wish to say, save as to one or two trifling matters. There is a clause to order the admission of parties from other parishes besides the four parishes named by the founder. Now, I would say that St. Luke's now contains a population of 54,000 within an area of 300 acres. I believe at the time the founder's will was made, there were not 4,000 inhabitants. We are in a much worse condition respecting school accommodation than the other two parishes, having such an immense population. I do not mean to disparage these parishes; but I beg to say, that of the children educated, the greater number of them pay for their schooling, and a vast number come into the schools from the parishes of Shoreditch, Clerkenwell, and even as far as Highbury and Islington. I beg, therefore, the Committee not to take for granted there are 7,000 children educated in St. Luke's from that parish alone, but they come from other parishes to a great extent.

278. What is the population of St. Luke's?—54,000, with a very large population of poor, beyond the usual average of parishes.

Mr. *White* stated, so much had been said with reference to other parishes, that he should wish some inhabitant of Camberwell to be examined on the point as to the state of the schools there.

Mr. *Andrew Knox* called; and Examined by Mr. *White.*

Mr. *A. Knox.*

279. DO you know how many schools there are in Camberwell, national schools and others?—I think there are about five national schools, one at Camberwell, three at Peckham, one at Christchurch, Kent-road. besides one or two Birkbeck Schools, and the British and Foreign and Infant Schools; also ragged schools; there is also a national school at St. George's District Church, Camberwell.

280. There are no schools giving a superior education, such as is afforded by the City of London School and St. Paul's, no education at all ranging beyond national schools?—No; we had a free grammar-school adjoining the church, which has lately been annihilated, in consequence of the law proceedings taken against it. The middle class people, and the trading portion, of which I am a member, would feel no doubt very much indebted to the founder of this scheme to enlarge the accommodation for foundation boys to the same number as they are giving to the other three parishes, namely 20, which takes nothing from them whatever, and would enable us to give our children that education from which at present we are entirely precluded unless we descend to the national schools.

281. You know, from the relative position of the parish, and so on, having been long an inhabitant of it, that some parts of the parish are quite as far, having respect to the means of conveyance, as any part of the parish of St. Luke?—I should say nearly so; London-bridge railway would take the boys within one-quarter of a mile or two-thirds of a mile of the college, whereas at Camberwell we are two miles and a half.

282. The *Committee.*] You say nothing of the nature of the schools in Camberwell; what is the college in Camberwell-grove; what is the class of school?—Quite above a trading school; I will use the words of a gentleman, to whom I applied with reference to one of my own children; he said, "We cannot admit you; we cannot have tradesmen's sons."

283. Mr. *White.*] And you conceive it to be a matter of great public importance?—I believe the greatest boon you could give the united parishes at large would be a school founded on that principle, not only with regard to foundation scholars, but also with regard to the other portion of the scheme, to enable persons in my station of life to give their children such an education as they cannot now get unless they descend to a national school.

284. The *Committee.*] What is your station in life?—A respectable tradesman.

285. What rent do you pay?—I pay 30 *l.*

286. What do you deal in?—Slates.

287. You wish, in fact, to take this man's funds, and found a school for the middle classes?—Not entirely; I do not wish to shut out the poorer classes.

288. You are aware it was distinctly intended for the poor?—I am aware it was.

289. Do you think it honest to take money intended for the poor, and give it to the wealthy classes?—Not to the wealthier classes; I think there are many persons in my station of life who are struggling much more to educate their children for their station than the poorer classes; for we are all anxious to educate them; we are desirous on the part of the trading community that no opposition should be given to children being educated to fit them for their stations.

290. Do you think persons in your station are proper recipients of this charity?—I hold they are; I hold it to be impossible for any tradesman with a family of seven children to give them an education without descending to national schools or cheap boarding-schools, which are worse.

291. Are you aware that this charity was intended for children of paupers, orphans without father or mother, or at least such as their parents receive the weekly alms of the parish where they live, and for want of such, any other poor children of the said parishes, such as the assistants of the said parish shall think in most need?—I am aware of that.

292. And you think you are a proper recipient for that charity?—Yes, persons in my position; I do not think it would be degrading to them at all; I would apply to it with gratitude.

293. Do you think Parliament could justly and honestly take this man's money, left for that purpose, and give it to such persons as you are, to educate your children?—I think they might do it with propriety.

Lunæ, 27° die Julii, 1857.

THE RIGHT HONOURABLE M. T. BAINES, IN THE CHAIR.

Mr. *Herbert Sturmy*, called; Examined by Mr. *J. H. Palmer*.

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294. ARE you vestry clerk of St. Saviour's?—Yes, I am.

295. How long have you held that appointment?—Fourteen years vestry clerk, but I have been connected with the parish for many years longer.

296. Will you state to the Committee what are the present provisions of that parish for the education of poor children?—We have a grammar school in the parish itself for the education of boys. We have also a charity called the Newcommen charity.

297. Is that for education?—Yes, for education also.

298. You have also the Newcommen school?—Yes.

299. What class of boys are educated at the school?—The boys are educated and clothed.

300. Are they poor parish children?—They are poor children of the parish; it is a school that is looked upon in rather a superior light to the others.

301. The Newcommen school is rather a superior school, but still meant for the poor?—Yes; then we have another school, where boys are educated and clothed, which is also for the poor, but perhaps rather ranks of an inferior class in its nature to the Newcommen.

302. *Committee.*] What school do you call that?—A boys' school supported by voluntary contributions.

303. No endowment?—No endowment; money has been saved for the purpose.

304. How many boys are there?—One hundred boys, and 120 Newcommen.

305. How many in the grammar school?—It varies from 80 to 100.

306. Then you have about 300 altogether, and then there is the national school, and the infant school besides?—

307. How many have you there?—A large number.

308. What number?—One hundred or more.

309. Have you any school for ragged children?—Yes, we have.

310. A voluntary school?—Yes.

311. How many are there in the ragged school?—A large number; it varies so much, I cannot say.

312. How many infant schools have you?—We have two infant schools.

313. About what number attend?—From 100 to 200.

314. These are all voluntary?—Yes.

315. What is the number of the inhabitants of St. Saviour's parish?—About 16,000.

316. Do you know the population of St. Botolph?—Twelve thousand five hundred.

317. What is the population of St. Luke?—Nineteen thousand six hundred and eighty-three is the population of St. Saviour's; St Luke's, I find, is 54,000.

318. What is Camberwell?—Sixty-four thousand six hundred and sixty-seven, making a total of 140,900.

319. Is that according to the last census?—Yes.

320. Nearly 150,000?—Yes.

321. Mr. *Palmer.*] Is there a national school there as well?—Yes, there is a national school as well.

322. Then according to the population of that parish, is there at present ample provision for the education of the poor children of the parish and their clothing?—We think so; when this matter was considered, a proposition was made about having a school under this charity located in our parish, and we thought it was not desirable for our parish to have a school for poor children at Dulwich at the foundation. We considered we had made every provision, and obtained the consent of the Commissioners of Charity for this scheme for poor children,

children, providing for what we call the really poor. We look upon struggling tradesmen as much poorer than persons who come to receive relief, who have no status at all. From a large number of persons of this class we cannot obtain rates.

323. *Committee.*] Is the Committee to understand, you consider the scheme as it now stands as making a sufficient provision for the poor?—Yes, if the Committee will turn their attention to the clauses, they will find the term deserving poor, and they are the parties who ought to be taken care of.

324. You mean that the lower class of ratepayers are much poorer than the better class of rate receivers?—Yes, I consider so.

325. You surely would not take this inheritance of poor men, women, and children; you would not give it to wealthy persons?—No.

326. Mr. *Palmer.*] In the present Bill, is there not a provision, which you can refer to, for the waiving the capitation fee on account of the poverty of the boys?—Yes, that is a permission given to the governors.

327. In clause 87 of the Bill, as it now comes before the Committee, there is such an expression?—Yes, there is.

328. *Committee.*] There is a similar provision in regard to each school, where they see a case of poverty they can waive the capitation fee?—Yes. The only exception is the foundation boys; the capitation fee is not paid by the foundation boys, only by the day boys.

329. The day boys?—Yes.

330. Clause 69 is the clause?—Yes.

331. Mr. *Palmer.*] Can you state anything more to the Committee about the provision for education. It is desirable that you should do so now?—I think, if the Committee will allow me to add, the feeling of the parish was very strong when this scheme came out as to the retiring allowances, and they urged very strongly before the Commissioners that they thought they were very much too large; but the Commissioners thought themselves justified, and the united parishes had not made that point before. The feeling was very strong that the retiring allowances were too large; and we felt it more so, because, through the course taken by our parish, the Archbishop of Canterbury, the visitor, had made a great alteration, to give a superior education; and supposing the college had continued for years, there would be a much larger expense in carrying out the scheme. I do not think in the statement of the allowances that was taken into account.

332. *Committee.*] The chief objection to the present state of the charity is that the funds have been misapplied, that they have been received by persons not intended by the founders; a certain number of masters, and wardens, and fellows, and so on, who have large incomes?—No; the objection to the present plan was, it was thought, in the first place, the boys did not receive the education the founder intended; and they conceived that the alms-people received a much larger sum than they were entitled to. Our object was, if possible, to get the scheme enlarged; and therefore we availed ourselves of the passing of this Bill to obtain that.

333. The chief part of the funds was divided amongst the master, wardens, and fellows?—Yes; but one of the provisions was, after payment of the expenses, that the balance was to be divided into so many shares; and from the circumstance of the regulations of the founder being deemed contrary to law, and therefore not carried out, the master, wardens, and fellows, as we thought, improperly divided those shares, and appropriated them to other purposes.

334. Then the object of this Bill is to apply those funds properly?—Yes.

335. Those funds are directed to be applied towards the sustenance, maintenance, and support of those poor men, women, and children, and for the instruction of the said poor children?—Yes.

336. Can you reconcile that with the proposed allowance clauses, to have a school founded from funds intended wholly to be applied as a charity for the poorest classes; that that money given for the assistance of the poorer classes should be applied to the uses of the middle and upper classes, which is the intention of this Bill?—We think that the Bill provides a foundation for the poorer scholars; and we have taken the greatest possible care of what we really consider the poor in our parish. The Commissioners have given us a double number of scholars, as compared with Camberwell. We think we have taken the greatest possible care of the poor.

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337. Do you think that the upper and middle classes of St. Saviour's parish have any more right to divide the surplus funds of that college than the clergymen who formerly received it, or any portion of it?—We thought we made no provision whatever for the benefit of the upper classes; we think we have secured the poorer classes.

338. Then you do not think any of the upper classes would use those schools?—Certainly not; because we have a grammar school where they will receive equally as good an education.

339. Equally as good?—Yes.

340. And probably at the grammar school you would pay more; this will be a cheaper school?—I do not think it will; I think the waiving of the capitation fee is very trifling.

341. Have you an exhibition in your school?—We have.

342. How many in the year, and for how long?—We have succeeded in obtaining four exhibitions for four years.

343. How much a year?—Those will be 50*l.* a year; and then we have two other exhibitions belonging to the school.

344. Do not you think, if from this upper class of schools there are exhibitions continuing for five years, at 100*l.* a year, that will take a vast number of the middle classes?—I think not; because our parish consists of tradesmen chiefly, and they are not likely to seek for a university education.

345. If the middle classes do not want to go, you object to opening it to the poor?—We take care of the poor; we consider the classes you have spoken of.

346. How many boys do you put in?—Seventy boys on the foundation.

347. These are boys from St. Saviour's: out of a population of 150,000 you pick out 70, and you think you have sufficiently provided for the poor?—Yes.

348. That is, as compared with the 10,000*l.* you have so spent?—At present it is not 10,000*l.*; we have not 10,000*l.* or anything like it; because, until these retiring pensions are provided for, we do not look upon this as a fixed matter. When the income comes into full play, or the property is left to produce a larger income, we should have this; this is only the commencement.

349. You think you are justified in picking out 70 boys out of a population of 150,000, and that there is a surplus income to apply to the education of the richer classes?—As far as that goes, there is every provision made for the education of the poorer classes.

350. What are the poor-rates in your parish?—They are rated at 4*s.* in the pound.

351. What are the allowances made to poor families?—I cannot tell; I am not clerk to the guardians.

352. But we have seen in the papers lately considerable complaints by an east-end incumbent that one shilling and a loaf was always given to the poor?—I can answer, that according to the families they have, it is a shilling or two shillings, and a certain number of loaves.

353. Do you not think there is a great deal of pauperism in your parish at present?—There is a good deal of pauperism; they are not of that status that we can send to a school of this kind.

354. Mr. *Palmer.*] Is there not a provision of Alleyne's of a statute or clause of taking boys to the Merchant Tailors', St. Paul's, and other schools, for the purpose of seeing what sort of education they are getting, showing that there is a superior education contemplated by Alleyne?—Decidedly there is such a clause; and it was upon that our parish went to great expense in applying to the Commissioners. In order to ensure the boys a better education, we went to a considerable expense.

355. *Committee.*] The Committee understand you to be of opinion that, with some modification, the scheme before the Committee is fraught with great benefit to your parish?—Certainly.

356. Dr. *Webster.*] Is there a provision in Alleyne's will or in the statutes for the education of the male children of the inhabitants of Dulwich without any distinction of rich or poor?—There is a provision to that effect, but it is a difference, still of education, a different school that Alleyne provided for.

357. *Committee.*] Do you remember the article to which your attention is called?—There is such an item.

358. Have you any further information to give respecting it?—No.

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359. Dr. *Webster.*] Are you aware of the nature of the education?—No; I am not.

360. Are you not aware that it is reading, writing, and grammar; and special reference is made to their having books to keep their Latins in. It was said just now that they were to go to Westminster and St. Paul's school; have you any information of that kind to give?—My impression of the statute is, that there is a distinction between the boys on the foundation and those who are not.

361. Have you any further knowledge on the subject?—No.

Mr. *Thomas Hall*, called; and Examined by Mr. *Palmer.*

Mr. *T. Hall.*

362. ARE you the Churchwarden of St. Botolph's?—I was, for three years.

363. You were for three years?—Yes; and have been since connected with the committee appointed to inquire into this matter.

364. Are you acquainted with St. Botolph's?—I am.

365. And with the schools in that parish?—Yes.

366. Will you state to the Committee what is the nature of the schools there?—The parish of St. Botolph is well supplied with education for the lower classes.

367. State how many schools there are?—We have a ward school; we have likewise a national school in the same building, calculated for the accommodation of 500 children. In that school we clothe 200 entirely, and educate them; that is called the ward school. The national school consists of the remaining number, that could be admitted if we could get them. At the present instant in that school, of national children we average somewhere about 120 or 130. We clothe those children likewise.

368. How many are there at school?—There are at the present moment in that school 200 of the ward school children that are clothed, and 130 national children.

369. The *Committee.*] Can you tell me what the cost per annum is to keep up that school?—I really cannot give you an answer; I do not remember; but this is kept up entirely by voluntary subscription.

370. Can you give me an idea; can you give it in hundreds?—I should not like to name the sum.

371. In respect of the ward children, do they cost more than 5 *l.* per head, including their clothing?—Oh, yes, they cost more than that; more than 5 *l.*

372. Do they cost double?—No, sir, not so much.

373. Somewhere between 5 *l.* and 10 *l.*?—I imagine that would be so.

374. They are not boarded?—Oh dear, no; they are clothed and educated. Those schools, which we take pains to get the children to, have their whole number, 300; whereas there is accommodation for 500 children, and we really cannot get them. There are schools likewise attached to the Congregational Chapel; whilst there is, for instance, in the national school somewhere near 400 children, but not entirely from St. Botolph's; it is not confined to the parish; some of the children are from Spitalfields. There are likewise Sunday schools.

375. So that you have abundant means of education?—For more than we can get to the school.

376. You mean of a lower class school?—Yes. I mention this to show the Committee that the committee I am connected with are anxious to supply education to the class above the lower class; to the children of tradesmen, small and large. In Bishopsgate-street the tradesmen are very large indeed, and they are struggling with the times, and really cannot afford and cannot get the means of giving their children a decent education; and yet they will not send them to a parochial or charity school. Now, we are satisfied, if you only mind, from the experience we have had connected with Dulwich, we have been consulting the best interests of the parishes in providing them with an education such as is proposed in the course recommended in the scheme. With those they are perfectly satisfied, and it will give a chance to the better class of tradesmen, if they choose to send their boys, to pay for them; and the lower schools give the opportunity for those who cannot afford that to send their children at a small cost.

377. When you speak of the better class of tradesmen, do you mean people who pay some 40 *l.* or 50 *l.* a year for their children?—I mean tradesmen who

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can manage to spare 20 *l.*, but cannot spare 40 *l.* or 50 *l.*, or 60 *l.*, to get a good education for their families, or some particular members of their families. I have already said that is a class of school which the better class of tradesmen would not like to send their children to; a clothing school or charity school; but we have near us the City of London School; but that succeeds so well it is overflowing, and the chance of getting a boy in there is very remote. Now this school will be on a similar principle to that, at a moderate expense, for the better class, and for foundation boys for smaller tradesmen, who really cannot afford to give that education.

378. But if they don't go on the foundation, where are they to board?—They can board at the schools; there is a provision for boarding, paying the cost of the board, which is very desirable.

379. Paying merely the cost of the board?—Paying merely the cost of the board.

380. Whereabouts is that?—That is clause 116. If there is no facility, which there is not at present, such as a direct railway, I think it is a much better arrangement that is proposed by the scheme, that the boys should be sent to board.

381. Is this partial boarding giving the children their dinner?—The scheme would admit that. That is one portion of it; but it would admit of a child being boarded and lodged there.

382. Supposing you had the school, in the school you have at present, you cannot, you say, get the children. Supposing you had the school established, a boy's college for St. Botolph's, and partial board, that is, you give them their dinner, do you think you would then contrive to get a school full of children; do you think they would come, and the school would fill, by partially boarding them, by giving them their dinner?—That is an experiment not tried; but the class of children who want education most, are not the class of persons who would go to a charity-school.

383. You want to make this a charity-school for them?—Precisely so.

384. Their only objection to go to a charity-school is that they would meet people whom they do not like to meet?—They are of too mixed a character.

385. That better class of tradesmen you have spoken of, their children would go to those schools?—There is no question about it; they go to school at Dulwich; it is very much sought after. The parish is all on the *qui vive* to know when there is a chance for a boy to be sent to school for the better class of tradesmen; I think Mr. Alleyne's, it was for the very poorest; but now the Legislature has recommended a new system for educating pauper children. I think the funds are not so properly applied as they ought to be.

386. I think you told us the schools in your parish were not established with the money provided by the governors; you said by voluntary subscription?—The schools I have been speaking of. There are others in which 80 or 100 children are educated; at Norwood those are the children of paupers.

387. That is a district union?—Yes, that is for the pauper classes. The schools I have been speaking of are not precisely for the pauper classes, because there we have ragged schools. We have ragged schools in Bishopsgate-street, and we have several schools of dissenting bodies who take children.

388. The District Union School at Norwood is a very good school?—Yes, it is very good indeed. I do not agree that the upper classes are at all contemplated here. It is such tradesmen as feel, that if any assistance of the kind were offered them, it is really required to enable them to give their children a good education.

389. There are a great many of them struggling to keep themselves from the rates?—They have very great difficulty to pay the rates, and for such people there is no school.

390. For such people there are no schools?—No schools.

391. But for the lower classes they are abundant?—Yes; there are a number of the ward schools for the children of ratepayers.

392. If the funds were added to those already allowed for the education of the poorer classes, would that go in relief of the persons who contribute the fund, or to increase the number of scholars?—The number of scholars.

393. I understand you to say, you educate all; all you can get to educate?—No, quite the reverse. We have the means for educating and accommodating more children than we can get.

394. If you add to your funds there are not more children?—No.

395. There is more than enough of accommodation even now?—Yes.

396. If the funds were added to the school, it would rather relieve the persons who pay than add to the number?—Of those schools, exactly so.

397. Exactly so?—It is so.

398. You are the churchwarden?—I have been.

399. Have you been long a ratepayer?—Yes.

400. Now I ask you, from your knowledge of the parish, and the experience you have had, and the consideration you have given to this subject, would those schemes as proposed, with the alterations mentioned and suggested by Mr. Palmer, be a very valuable one for all classes in your parish?—Yes, I am quite prepared to say, with the exception you have alluded to, with regard to the number of the governing body of the parishes; I can speak confidently, after the seven years this matter has never been from before me. I am quite satisfied of this, the parish would be pleased and gratified with the scheme as we have it now. The scheme and Bill I hold to be separate; that point of the governing body being modified.

401. With that exception, it would be satisfactory?—Yes.

402. Have you had several meetings of the parishioners on the subject?—Oh yes, frequently.

403. Were they meetings of the vestry, or what?—Meetings of the vestry.

404. There has been no general meeting of the inhabitants called to consider the matter?—No.

405. Then the "general inhabitants," who are the only persons spoken of, the "general inhabitants" may not be quite so well pleased with this scheme as the vestry are?—I am quite prepared to say that the poorer classes of the parishioners of Bishopsgate-street are well satisfied with the means at present provided for them.

406. Can you give any idea what number of children there are under 13 years?—No.

407. Can you give me any notion whatever of the number that does not go to any school at all?—I can only say they are very numerous; the small streets are full of them. It is a difficult matter to get along with children.

408. Are there any schools provided for them?—Yes, ragged schools.

409. They are supported by voluntary contributions?—Yes.

410. There is no charity to which you could send those children?—No, I am not aware of any other than are provided by private individuals.

411. Do you recollect the number of boys educated in the City of London School, in Milk-street, Cheapside?—The number is between 600 and 700.

412. Do you recollect at what cost?—No; attention had not been lately drawn to the subject.

413. Are you aware education is thus provided for the sons of tradespeople of the first class?—Yes.

414. And that many of the scholars from that school go to the universities?—I am perfectly aware of it.

415. You have heard the evidence of Mr. Briscoe?—Yes.

416. You heard him state he thought it was desirable the schools should be established in the several parishes of St. Luke's, St. Saviour's, and St. Botolph's, in which 100 poor children might be educated?—I don't think I was in the room at the time, but I know that is Mr. Briscoe's opinion.

417. Do you not think, if the school was established on the principle of the City of London School, the children of the poorer class of tradesmen should be educated on the same principles as the City of London School, and that school being in the city of London?—That subject has been discussed by the united committee of the parishes, and they were of opinion it would be very desirable if it could be accomplished; but the authorised expenses of conducting a school of that class would be rather more than the advantage given by the schools.

418. Presuming 600 are educated in the City of London School for something under 12 *l.* each, would you not prefer a school of that description, rather than to send so small a number of boys down to be educated at Dulwich?—Decidedly I would; but that has been discussed by the parishes before, and the scheme that is here was thought preferable; and the whole committee, with the exception of some few from St. Luke's, concurred in it.

419. That committee represented the three parishes?—Yes.

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420. Do you approve of your governors being cut down to one?—No; I have already stated we cannot agree to that, each parish having two governors.

421. Were you churchwarden?—Yes.

422. When?—From 1851 to 1854.

423. Who was it succeeded you?—A gentleman of the name of Jeffries.

424. Elected by the ratepayers?—Yes. I have already stated since I was out of the office of churchwarden, and assistant, I have remained a member of the committee appointed specially, with the addition of the churchwardens for the time being, to watch this Bill, and report from time to time to the parishioners on its progress, and take the opinion of the parishioners. That committee have full powers to carry out the scheme as far as they possibly can, getting a modification of the number of governors.

425. Who is the churchwarden now?—Mr. Tibbins; he is only just come into office.

426. How long have you had this subject before your mind?—Seven years.

427. Did you take an active part in discussing it with the parishioners?—Yes.

428. And the result is what you have now stated?—Yes.

Cross-examined by Mr. *White.*

429. How often do omnibuses start from Bishopsgate-street towards Camberwell?—I really can't say. Every hour or half hour. The omnibuses start more than a mile from Bishopsgate-street.

Mr. *Robert Farmer* is heard to address the Committee on behalf of his own petition, and that of two other persons; after which he was Examined, as follows:

Mr. *R. Farmer.*

430. The *Committee.*] WHAT are you?—I am a druggist.

431. Do you fill any particular office?—No; but we consider we have an interest under the statutes, which are to be taken from us.

432. What interest?—If you refer to item 83 or 86, you will find the interest under which we claim.

433. What is the interest you think will be affected under 83 and 86?—With the permission of the Committee I will read item 82:—"I ordaine that if within the said eight years any such poor scholars as shall be sent to the university, shall proceed to be bachelor or master of arts, that then the college shall allow to every of them that shall so proceed 5*l.* at the sev[l] times of taking either of the said degrees; provided, and I ordain and establish, that if any of the said 12 poor scholars wch shall be sent or put to the university as aforesaid shall be afterwards capable to have a fellowship in the said college, that then whensoever any fellowship in the said college is void, if any one yet hath been any of the said poor scholars, will stand for the said fellowship, and desire that he shall be forthwith be admitted thereunto, without any lots or further election to be made of him, he taking the oath before subscribed, and observing the laws of the said college: and if any of the said poor scholars that are put to trades and occupations shall desire afterwards, or stand to be admitted to be one of the servants or officers of the said college, at such time as a servant's or officer's place is void, that then he shall be admitted and accepted into the said office or place before any other."

A question was here raised as to whether or not the petitioner had any *locus standi* to appear before the Committee. After a short discussion the Committee decided that his examination should be continued.

434. What books did you read when you were at school?—The History of England.

435. Did you learn Latin and Greek?—There was a little Latin, but no Greek. Since the time I was there education has very much improved, to my own knowledge.

436. Who taught you at the time you were there?—In the first part of my time, Mr. Johnson; during the remainder, or the greater portion of five or six years, Mr. Vane.

437. Was he one of the fellows?—Yes.

438. Did he teach in the school?—Very seldom.

439. How

439. How often?—We did not often see him in the school.

440. Was there a schoolmaster besides?—There was an usher, but we did not often see him.

441. Not the usher?—No; he was sometimes in the school, but not often.

442. Then you were pretty well allowed to do what you pleased?—Yes.

443. It was very immaterial whether you said your lessons to one another?—We used to say them to one another. I was a monitor.

444. Well, you were a monitor in the school?—Yes.

445. Having been educated in this school, have you ever applied to become a servant or officer of the college?—No.

446. Do you know some person who did, and was refused?—Yes.

447. What was his name?—Alexander Wright.

448. Do you know any other persons who may have applied to be either a servant or officer of the college, and were refused?—There were two or three persons, but I cannot call them to mind.

449. You do not know who they were?—No, but there were two or three.

450. Do you know the ground on which the other gentleman was refused?—No, I cannot say. We have been persevering for an increase in the education. Our association exerted itself very much to have an improved system of education, and I think we became rather obnoxious to them; I think that was the main cause of the refusal.

451. Mr. *Palmer.*] Was Alexander Wright put forward by the association to which you belong, to try the question?—Not altogether. He was in distress, and wanted employment, and we recommended him, knowing there was a vacancy; in fact, I recommended him myself personally.

452. You, or the association, recommended him?—I will not say that the association actually did; I took it on myself personally; in fact, I went down with him, so I know how it was.

453. Can you state any reason that was given for rejecting him?—No; at that time we were on good terms.

454. Can you state whether any and what reason was given for rejecting him?—I do not think any was given.

455. As far as you know, does the education which you say was given in your time continue still?—I think not.

456. Do you live in the parish now?—No.

Mr. *Venables* is heard to address the Committee on behalf of the Master, Warden, and Fellows of Dulwich College.

Charles Druce, Esq. called; Examined by the *Committee.*

457. ARE you Steward of Dulwich College?—I am.

458. And also solicitor to the college?—Yes.

459. How long have you been so?—The steward and solicitor are only one office. I have held it for 11 or 12 years. Before that, I assisted my father, who held the same office for upwards of 60 years.

460. Have you extracted the shorter balance sheet from the document which is handed to the Committee?—From the corporation books.

461. The first document you extracted from the corporation books?—Yes; the first, the principal document, is a copy of a return made by the college to the Charity Commissioners in March last. The second is an extract.

462. An extract made by yourself from the college books?—Yes.

463. The income of last year, if accurately, was 9,503*l.* 5*s.* 2*d.*?—Yes. There are some small matters besides; they are given; the repairs of the college, and land-tax.

464. Can you state whether the income of the college is increasing, or likely to remain stationary?—Regularly increasing, and very considerably.

465. Has the college considerable property let on building lease?—Yes.

466. Is it one of the conditions of the building leases that a certain sum shall be laid out annually by the lessees in building?—The condition of the lease was to lay out a sum in gross; but by an Act of Parliament the lessees have been able to do it by annual sums of 5,000*l.*

467. That is their present liability?—Yes.

468. And as these sums are laid out the rental of the college increases, or rather

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rather the security for the rental?—Yes; the security for the rental increases yearly.

469. And at the end of the lease that adds to the value of the reversion?—Undoubtedly.

470. Is it the case that you are in any way dependent upon the success or prosperity of the Crystal Palace Company?—By no means. Our tenant is Mr. Wythes, who is considered the responsible party. We know he has underlet to the Crystal Palace Company. We declined to let to them, not meaning them any disrespect, but we did not think they were proper parties for tenants.

471. Mr. Wythes is responsible to you for the covenants of the lease?—Yes.

472. Is the statement of the expenditure correctly set out in the return? Yes.

473. I believe the income paid to the poor brethren and sisters increases in precisely the same ratio as the income paid to the master, warden, and fellows?—Yes.

474. Amounting to 187*l.* dividend apiece?—Yes, 187*l.* dividend, besides considerable allowances.

475. What are the advantages which the wardenh as in the establishment, in addition to the money payment?—He is entitled to rooms and living of every description; to the keep of a private servant, and the keep of one horse.

476. And the master?—The master the same.

477. The master and warden have the same allowances?—Yes.

478. And the fellows?—The fellows have the same advantages of rooms, board, and maintenance of every description; but they are not entitled to a servant or a horse.

479. The master and warden are laymen?—Yes.

480. The first and second fellows must be clergymen?—Yes, and the third.

Examined by Mr. *James White.*

481. You are aware that, in 1850 or in 1851, the Archbishop of Canterbury issued a decree to the college, enjoining them to send boys to the Universities or King's College?—No; but I have the decree here: "That a portion of the boys, to be selected by the master, warden, and fellows on account of their talent or application, and not exceeding at any time four in number, shall be allowed to remain in the college."

482. And then sent either to King's College or one of the Universities, according to their talent?—No; the only decree that I am aware of, I have here.

483. Look at the decree of 1851?—The only decree that I am aware of is this I have in my hand; there were some inquiries made by the visitor after the hearing, before the decree was given, which resulted in the decree I have here now.

484. The *Committee.*] When was that?—In 1851; this is the office copy of the decree.

485. Mr. *White.*] Whatever was ordered by the Archbishop of Canterbury at that period has never been done?—I believe it has been.

486. Can you name any boys who have been sent from the school anywhere?—I do not find it in the decree.

The *Committee.* Call his attention to the particular passage.

487. Mr. *White.*] Look at that; is that a fair copy of the document?—

The *Committee.*] What page?

Mr. *Sturmy.*] Page 85.

Mr. *White.*] On the opposite side you will see the decree made by the Archbishop of Canterbury after hearing the case, with the assistance of the present Lord Wensleydale.

Witness.] No, that is not the decree.

488. Will you allow me to see your copy of the decree?—That is it (*handing it*).

489. "That a portion of the boys, to be selected by the master, warden, and fellows on account of their talent or application, and not exceeding at any one time four in number, shall be allowed to remain in the college until the age of 15 or

15 or 16 years, and, during such extended period of their residence in the college, shall receive in addition to the education in the college schoo, such instruction as shall be considered most beneficial with a view to their being placed in higher positions of society (that is to say), instructions in surveying, chemistry, civil engineering, or any of the applied sciences, according to the respective capacities, and that they be put out accordingly as soon as opportunity shall offer, not later than the age of 16 years, except in any particular case where superior talent and other circumstances may appear to render it probable that the interest of the individual would be better consulted by a classical education until the age of 18 years, and by his being then sent to the university." Are you aware whether any boys have been sent under that decree?—None have been sent.

490. But this balance sheet has been made without deducting anything on account of this, which was ordered to be done in 1851?—That balance sheet was made without any deductions, except in respect of actual payments; no boys have been sent to the university.

Re-examined by Mr. *Venables*.

491. Is it not the case, since that decree, that boys have been put out to superior trades; I may mention surveying; is not that so?—In some degree, but it has not been fully carried out; it has been found extremely difficult to do so with the existing boys now on the establishment.

492. The existing boys are not of a class generally qualified to receive high education, when they come?—They have not been so considered.

493. The *Committee*.] Why not?—The boys have been retained in the school, according to the injunction of the Archbishop of Canterbury.

494. Was there anything peculiar about the boys coming from those three parishes, that made them inapplicable to receive a good education?—Not that I am aware of.

495. They were like other boys?—As far as I know, of that class.

496. At what age do they come?—They come at eight.

497. You said just now in your answer, "of that class;" what class?—I have always felt, having known that school from my infancy, that the observations made by the Commissioners in their report are extremely well justified; that the inapplicability of the statutes and the arrangements of the school were quite sufficient to account for its utter failure. I consider it has utterly failed, without imputing anything wrong on the part of those who administer the statutes. I allude especially, having known something of the school, to the fact of 12 boys coming from the class that has been the subject of discussion here.

498. Which class?—The poor boys.

499. You mean, literally paupers?—Partly so and partly not; the class of boys has certainly improved of late years, but there are 12 boys, from the ages of six or eight up to 18, and there is no possibility of making a class; there is no possibility of creating that emulation which I have considered to be the principal feature in education, or rather, the principal cause of its success.

500. Is it your opinion that boys, the sons of poor parents, are less capable of education, if they begin at six or eight years old, than those of richer parents?—Not necessarily, but I consider that the mixture of boys in a class is better than was contemplated by the original scheme of the founder; it tends to elevate the minds of the boys, and makes them more ready to receive instruction.

501. Did they ever attempt to teach them anything at all; was not that the cause of their not knowing anything?—I believe they did, but it was not my province or department. In my opinion, that department of the school has utterly failed.

502. I think I fully understand you to say that boys coming from the poorer classes are incapable of learning?—I did not say so; I said that boys coming from those classes created an additional difficulty. Mr. Vane, the former schoolmaster, whose name has been mentioned here to-day, said they always had as much to unlearn as to learn; that did create an additional difficulty. There being only 12 boys, varying from the age of six or eight up to 18, there was no possibility of creating emulation, which, in my opinion, is the principal cause of a good education.

503. One of the witnesses here to-day complained that the school had been

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grossly neglected, and that the boys had no opportunity of saying their lessons, except to each other; is that likely to have been the case?—It may have been partly that. The same gentleman gave the same evidence before Mr. Justice Patteson and the visitor, but his evidence did not have the effect of inducing either the visitor or his Lordship to make the slightest remarks on account of the master of Dulwich College.

504. That did not alter their opinions, whether true or not?—No.

505. You have lived in Dulwich a great portion of your life; do you not know, as a fact, that the school has always been entirely neglected?—No.

506. Not entirely?—No.

507. Nearly so?—No.

508. According to the foundation, one of the fellows ought to be a schoolmaster?—Yes.

509. Did he act as schoolmaster?—Yes.

510. About once a month, for appearance?—I assure you most seriously I do not know.

511. You do not know?—I do not know one way or the other.

512. You are solicitor to the college?—Yes.

513. Were you paid by salary?—No.

514. You merely made out bills for what work you did?—Yes.

515. If I understand you, the whole hamlet of Dulwich belongs to you?—With the exception of one or two houses, and some few copyholds.

516. Is it about 1,300 acres?—Yes.

517. And produces an income of about 9,500 *l.* a year?—Yes.

518. Has not that been valued by some surveyors not long since?—No.

519. I thought Sir Charles Barry had valued it at 13,000 *l.*?—I never heard it; it is extremely possible that he surveyed it, and that enabled him to come to a conclusion.

520. What is the rent of Mr. Wythes' place; you say it is a large amount you let to him?—It is a rent rising up to 1,900 *l.*

521. For how many acres?—Seventy-two acres.

522. And what lease?—Eighty-four years.

523. Is the master's name Alleyn?—It is.

524. Is that his real name?—It is; he is the son of the Bishop of Peterborough.

525. Have you not known many masters whose names originally were not Alleyn?—I never heard of such a circumstance in my life; if it ever existed, I never heard of it.

526. Mr. Baugh, was his name Alleyn?—His name was Alleyn.

527. Was he master?—Yes.

528. You do not remember who followed him?—John Alleyn.

529. Was his name Alleyn too?—Yes.

530. You never heard of any case of that kind?—No. There must be some mistake; it never could have happened, or I should have heard of it.

531. You have spoken about the present income, which you say is about 9,500 a year?—Yes.

532. Do you think it may rise at all in the next 10 or 20 years?—If you had asked me that two or three years ago, I should have said a very large sum; but now I do not feel able to do it. Shortly after the building of the Crystal Palace, people were mad for land about there, and would give any price for it; and, amongst others, land was let to Mr. Wythes. I believe the erection of the Crystal Palace increased the rent, but not so much as is paid. We let the adjoining half about the same period; the rent we asked was 1,900 *l.*, but it was soon found that that rent could not be realised, especially under the alteration of the times. We have been obliged, therefore, to accept back the agreement, and we cannot let it at any price: I do not mean to say we shall never be able to do. We first of all refused to take it back, but under the advice of Sir Charles Barry, finding the tenant acknowledged he could not pay, we did so; we thought it better, under all circumstances, to do so.

533. Do you think in 10 years it will be worth 30,000 *l.* a year?—No.

534. Not 20?—No.

535. It will not double its value?—No, but it will gradually increase; there will be a considerable increase in about 30 years.

536. What,

536. What, some leases will fall in?—A lease on a term of 63 years will fall in at that period.

537. Up to the present time the college has abstained from increasing the rental?—No.

538. They have not built any fresh houses?—They never build.

539. Nor anybody else?—Yes.

540. There is a recital in the 38th clause of the Bill that Dulwich College has very much increased; I should like to know where: how many houses have been built in Dulwich within the last 20 years; is there one?—Within the last 20 years?

541. Can you name a single house, because here is a recital that Dulwich is very much increased, and therefore they want a church. What is the increase in the population between 1841 and 1851; but, first of all, tell me what number of houses have been built?—Not any.

542. Can you mention one single house; a large house, that contains some 50 or 60 people, belonging to Dr. Glenny, has been pulled down?—Yes.

543. And the school removed from the place entirely?—Yes; but I do not think that is within 20 years.

544. It is rather more, or about 20 years ago, that that house was pulled down; now, taking all that part of Dulwich, is there a single new house erected? can you mention any new house that has been erected? On the common, I believe, there is one public-house?—Yes, there is one.

545. That is about the only house, is it not?—Well, I am sure there are some cottages; but there have been no material houses.

546. Then the place is not increased?—I believe it has increased in population.

547. How many?—I do not know; some houses have been made into two.

548. If it has been stated this morning by somebody in the room, that some person is under the conditions of the lease to lay out 5,000*l.* annually in building, that must be a mistake?—That is a mistake. The Crystal Palace Company and Mr. Wythie obtained an Act of Parliament last year to get the periods defined.

549. You say the population has increased. I find the population in 1841 was 1,904, and the population of 1851 is 1,632; is that so?—There can be no reason to doubt it; but I do not belong to the parish in any shape or way.

550. The parish belongs to you, you know?—The hamlet does to the college.

551. It would appear that the trustees of the charity have not been very anxious to increase the value of the property by letting on building leases?—They have always been ready to do all they could. I have heard that said before, and undoubtedly, I consider the best answer is, that they themselves would be the recipients. If they could find a desirable opportunity, they would be glad to do it on their own account. It has not been a favourite place; the land has been at a discount of late years; it is said to be damp, and there was a disinclination to build until the Crystal Palace Company came.

552. You are steward of the college as well as solicitor?—Nominally; there is no separation of the two offices.

553. Have you not a salary as steward?—Not any.

554. What is the acreage of Mr. Wythie's property?—It is from 70 to 80 acres. Under that agreement one house has been built, which has been alluded to, the benefit of which reverts to the college on the termination of the lease.

555. Presuming the half to be 80 acres, and 1,900*l.* of rental, that would be about 24*l.* per annum. Are you not aware that is a small rental for a building lease?—I do not think you would say so if you knew the ground. The ground is on the pitch of the hill, which makes it extremely difficult for houses to be built there. The lease has been surrendered. If it was a beneficial one, I suppose the lessee would prefer it himself; but it was found necessary to take it off his hands, it was let very much over the value.

556. Is 1,900*l.* the present rent, or was it to increase as the buildings were put up?—The rent was to accrue; it was to increase year by year for five years.

557. In reference to the compensation to the master and warden, I observe,

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by the statutes that the master and warden are entitled to a salary, board, and lodging, and also the use of a servant?—Yes.

558. Can you point out anywhere in the statutes where they are bound to keep a horse?—Yes; shortly after the foundation of the college various matters which were not well understood appeared to have been the subject of reference to the visitor, who gave that order which I have got here.

559. Will you point it out in the statutes?—It is not in the statutes, it is in the orders of the visitor in explanation of the statutes.

560. What date of the proceedings are you going to refer to?—I think it was 1664. "Orders, directions, rules, and injunctions, for the better government of the college of God's gift in Dulwich, given at the visitation of the Most Reverend Father in God, Gilbert, by Divine Providence Lord Archbishop of Canterbury, his Grace, Primate of all England, and Metropolitan Visitor of the said College, begun the 16th day of July in the year of our Lord 1664, and of his Grace's translation the second. 1. Concerning the number and quality of the members of the said college. We having in this visitation considered the disagreement between the number of members of the said college, as it is first expressed in the licence of foundation, and as afterwards is ordained in and by the statutes of the said college, do declare and for the present direct and appoint that the number of members of the said college be, as for the most part hath been practised ever since the foundation, and as the present state of the said college doth require, that is to say, that the said college shall consist of one master, one warden, four fellows, six poor brethren, six poor sisters, twelve poor scholars, one servant for the master, one servant for the warden, one porter, one cook, one butler, one kitchen boy, and two husbandmen, all which persons shall be (in-members) dwelling within the said college, and living according to the said statutes, orders, and rules of the said college, and shall receive such wages and diet as is hereafter expressed; and also that there shall be one bailiff to look to the woods, and one clerk to make up the accompts of the said college accordingly, and formerly, ever since the foundation hath been used and accustomed, which two last-mentioned servants shall not be entertained as in-members, but to be servants at large living without the said college, upon such wages only, without diet, as hereafter shall be expressed. Moreover that there shall be, as the statutes do ordain and appoint, six assistants, and also 30 poor pensioners of the said college, viz., 10 out of each of the three parishes from whence the assistants are to be chosen, that is to say, 10 of the parish of St. Botolph Without, Bishopsgate, London, 10 others of the parish of St. Saviour's, in Southwark, in the county of Surrey, and 10 others of the parish of St. Giles Without, Cripplegate, London, which is in Middlesex; and those latter, namely, the six assistants and 30 poor, to be out-members, and not living within the said college, and that their offices and duties, unless dispensed withal by us or our successors, Archbishops of Canterbury, visitors of the said college, and their allowances shall be as by the said statutes is set down and ordained."

561. Can you come to the point; is there any authority for having the use of a horse?—It is somewhere here, and I will hand it in when I find it.

562. I think the 30 pensioners are afterwards disallowed?—Yes,

563. Was not the horse disallowed?—

The *Chairman.*] We have not got the horse allowed yet.

564. I observe by the balance-sheet, there is a balance in the hands of the master in March 1857, of 6,765*l.*; is that at interest, or does that give to the master or treasurer, or is any emolument in any way derived from the use of it?—The warden by the statutes is entitled to hold the balance, and to give security for 8,000*l.*; but when the accounts were looked at by the Charity Commissioners, under the Commission of 1835, the remark was made by the Commissioners (it is made in their Report) that they considered it was a larger balance than it was desirable to allow to remain in the hands of the warden, although in accordance with the statute; and in consequence of that, the master made an arrangement with the warden that he should invest a certain portion of the standing balance in the purchase of Consols, and that he should not be responsible for the rise or fall, inasmuch as those Consols stood as security for the balance. Those are standing in the name of the master, warden, and fellows.

565. What becomes of the dividend?—The dividend goes to the repairing fund of the college.

566. Some

566. Some surplus accumulation has been from time to time divided amongst the master, warden, and fellows?—I have never heard of any other division than that by which the surplus is divided at the end of the year.

567. That division of the surplus went on up to the present year?—The effect of the continuance of the management by the college, from the time that this scheme was framed to the present time, is, that the balance, which the college will have to hand over to their successors, will be increased by about 900*l.*: those are the figures. The balance nominally in the hands of the warden, secured by investment at the time the scheme was framed, was 5,602*l.* 10*s.* The balance the authorities will now have to hand over to their successors will be 6,765*l.* 2*s.* 3*d.*

568. Now, from what fund does the accumulation come; what is the difference between the fund that is divided and the fund that accumulates?—Because the principle on which the college accounts have been kept, which were the subject of inquiry before the Court of Chancery and confirmed—there was a throwing over to the next year of the unappropriated shares; and the consequence of that is, that the balance has always been increased in the same proportion that their dividends are also.

568*. How much of the 6,762*l.* at this moment is invested in Consols?—I think, 5,000*l.*

569. Am I to understand the master or warden gives security for 8,000*l.* on his election; and his portion of the money being considered too large a balance in his hands, he was relieved from his responsibility on security to the extent of 8,000*l.*?—Neither of the securities are in any way relieved, but the college obtains the additional security of the Consols.

570. I think this yearly division of the surplus has been going on 50 or 60 years?—I believe always; there has been no alteration; I never knew of any alteration.

571. Has there not been a constant accumulation of, and a much larger balance on hand?—I can only say, the result of the figures, beyond putting by that sum every year, does not make it the same entirely.

572. Is it divided the next year?—It comes into the first item of account in the next year; that was a subject of special inquiry, and was declared to be not otherwise than right, whether convenient or not.

573. It was declared to be legal?—Yes.

574. You divide entirely according to the decree of the founder, do you not, as to the proportion?—We divide according to the best opinion we can form of the decree of the founder, and as affected by subsequent decisions.

575. The founder was of opinion, when he made the gift, that about 800 *l.* a year in rent would be derived from his land?—Yes.

576. There are a certain 600 parts apportioned here, and then we come to two clauses, one relating to the reserve fund, which has been kept up in the proportion of one-eighth ever since. If you look at page 115 (it commences at page 114); if you look at 115, that relates to the repair fund, which evidently, as I read it, allot one-eighth always to be set apart as a reserve fund; has that been done?—No; we do not read it so; there was one-eighth to be set apart as a reserve fund, but we have called it the repairing fund.

576*. By the 114th clause, 600 *l.* has been laid down as the portion of the master, warden, poor brethren, and others; and the 115th clause states that 100*l.* shall go to the reserve fund, or repair fund ("reparation" is the word), and that it shall be kept up to that amount; consequently would not that have been one-eighth of the original donation?—That would have been one-eighth of 800 *l.*, the original sum.

577. Has that always been done, one-eighth?—No, certainly not, not one-eighth; it has never been read by anyone connected with the college as having that meaning.

578. Then that has not been done?—No, they have not set it by annually.

579. What sum of money do they set by as reserve fund?—There is no certain amount set by; but various orders, at different times, have been made by the college authorities (by which I mean the master, warden, and fellows) for setting by certain sums to keep the buildings in repair; and under those orders generally from 1,000 *l.* or 2,000 *l.* have been given, but it necessarily depends on the repairs in prospect.

580. The next is 116th: "That next out of the aforesaid remainder shall be

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satisfied and paid all bills, reparations, and lawsuits, if there be any, disbursed by the warden; also for preferment of the poor scholars at their departure from the college; and 10 *l.* annually to be disbursed for the reparation of the highways, viz., the horseway and footway between Camberwell Town and the college"?—That has been superseded by the highway rate.

581. Do you think that this ought to have superseded the highway rate?—I do not know.

582. I ask you as a lawyer?—I should have thought so.

583. Has the surveyor of highways ever demanded 10 *l.* a year?—I think not.

584. Mr. *White.*] I believe the college authorities have kept up a private way, a footway?—Yes, a footway between Camberwell and Dulwich, entirely at their own expense.

585. The *Committee.*] You keep a turnpike of your own?—Not on that road.

586. But you have a tollgate, the "Dulwich Court-lane Gate," a receipt of 23 *l.* 11 *s.* 6 *d.*, and the Penge Gate 231 *l.* 2 *s.* 6 *d.*?—Yes.

587. With reference to what has been put to you as to setting by one-eighth for repairs, that you look upon as a reserve fund for repairs?—I have stated it was a fund kept for that purpose.

588. Does it amount to that sum?—Not to one-eighth; but in reference to my statement, I beg to refer the Honourable Committee to the clause "if the sum of 100 *l.* is broke it shall be made up again at the next audit."

589. The 118th item says, "The remainder of the 600 parts shall be delivered to the warden of the said college, as the first receipt of the monies to be by him disbursed for the benefit and good of the said college;" has that been done?—That remainder is considered to be those portions of the income which in the preceding items are not directed to be paid, but to be set apart for the next year.

590. Has the remainder of the 600 parts always been paid for the good and benefit of the college?—About the benefit I do not know.

591. It is in this balance sheet the 600 parts are referred to?—Those are the portions which are divided, and that is the portion which is set by.

592. I want to see if there is any account how these have been disbursed for the benefit and good of the college?—They are general disbursements for the college. I cannot exactly say now how far they have been for the good and benefit of the college; they are delivered to the warden as the first item of receipts for the next year; that mode of division has been held to be the proper one by the courts of law.

593. In reference to the division of the 600 *l.*, do you consider these different items to come under the eleemosynary part of the division of the charity; "for bread and beer for the 12 poor brethren and sisters, 2 *d* a day apiece for all, 14 *s.* a month, 86 *l.* 10 *s.* a year"?—I should assume that to be eleemosynary.

594. "The 12 poor brothers' and sisters' pension money, 4 *d.* per diem, to be paid monthly, and every day a wheaten loaf, weighing 12 oz. troy weight, and a full quart of 8 *s.* beer to each of them; the money pension per annum is 6 *s.* 1 *s.* 8 *d.*, besides bread and beer, which in the total per annum is 73 *l.*"?—Yes.

595. "For their 12 gowns to be delivered them on the 1st September, once in two years, for ever, after the rate of 20 *s.* apiece, per annum, 6 *l.*"?—Yes.

596. You consider that to be eleemosynary?—Yes.

597. "For the 30 members, 6 *d.* a week, per annum 39 *l.*"?—That would be so; but that is a direction which has been declared void by the Court of Chancery.

598. It has never been carried out?—No.

599. The 30 gowns would likewise be void?—Yes.

600. Making 15 *l.*; is that so?—Yes.

601. So that, out of the 600 *l.* to be applied according to the founder's wish, if the latter part, the two items which I have read, had not been declared void by the Court of Chancery, there would have been 169 *l.* out of the 600 *l.* for eleemosynary purposes?—There would be, with reference to the 12 gowns, the 6 *l.* being considered eleemosynary. Perhaps I may be allowed to state why the college has so considered and acted on. The statute directs the old men and women to have new gowns once in two years, at a cost of 6 *l.* Then item 117 directs that the sixth part of the surplus income shall be applied in bettering of the

the gowns; the college has considered that they were bound to read the gift according to the latter clause, and therefore, although the gowns cost only 36 *l.*, they last year divided 190 *l.*, because the old men were entitled, as they always have been.

602. So that they have endeavoured to carry out the wishes of the founder as much as possible?—I believe so; the college accounts have been the subject of examination before many tribunals, and nothing wrong has ever been brought against them.

603. My attention has been called to item 115; that 100 *l.* is still put by for repair. First of all, there is a quantity of good things to be paid for, and then, of the residue, 100 *l.* for repairs. Then item 116 shows what is next to be paid for. "That next, out of the aforesaid remainder shall be satisfied and paid all bills of reparation and lawsuits, if there be any, disbursed by the warden, also for preferment of the poor scholars at their departure from the college, and 10 *l.* annually to be disbursed for the reparation of the highways, viz., the horseway and footway between Camberwell town and the college;" and then we come to the 117th item, that after these disbursements a certain sum is to be divided amongst the poor scholars on their departure for college; I want to know if there is an item in last year's balance-sheet of the preferment of any poor scholars?—Undoubtedly; I do not know whether it will appear in the item, but it will appear in the gross.

604. Can you tell me how much was spent at the end of last year?—In the other printed paper you will see that maintenance and education are included in the general item of "College expenses;" boys on leaving the college are only to receive 5 *l.*, but the college actually give them 160 *l.*

605. When they leave?—Yes, each of them; but owing to the peculiar character and position, they are obliged to deliver it out in a peculiar manner. The custom is to give each boy 20 *l.* as an outfit, either in clothes or other benefits of that description. From being of this class of boys, the authorities are obliged to choose masters for them, if orphans. Being poor, all masters will not take them, and therefore the college gives 10 *l.* a year during the apprenticeship, and perhaps 40 *l.* or 50 *l.*, as the case may be, as a premium to the master, and 40 *l.* to the boy at the expiration of his apprenticeship, if he leaves with a good character.

606. Is not a large proportion of the college property under lease which will not expire for some time?—Almost everything is under lease; at present there cannot be a great increase until the leases fall in.

607. Do you thoroughly understand the plan now before the Committee?—I believe so.

608. Is it generally approved of?—I do not know what to say. A great number of people consider it is a large inroad on the intentions of the founder, without reference to the scheme itself. I do not know what is the general feeling of the master, warden, and fellows of the college, but they must obey the voice of Parliament.

609. Do you generally agree in that opinion?—My opinion is that it is a very large departure from the will of the founder.

610. Do you conceive it beneficial, or otherwise?—Undoubtedly I think it is a very great improvement on the present management.

611. Should you wish any alteration to be made?—Undoubtedly, as a member of the college.

612. Be kind enough to point them out?—What alterations?

613. In the scheme.—I have considered myself very much with the college, and they thought it their duty to abstain, in the peculiar position they were, from expressing any opinion on the subject; they are most peculiarly placed.

614. But individually, not anything you have learnt officially?—There are a great many beneficial arrangements in these laws. I have no general objection to make to it. With reference to the clauses, there has been a great deal of conversation, I may be permitted to remark. A few years ago, the leaseholders of Dulwich, at their own expense, enlarged the college chapel, on condition of having pews attached to their leases. The right was reserved by the Commissioners; but this scheme alters it.

615. It was struck out by the House of Lords, and new clauses introduced?—Yes.

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616. You were asked about the eleemosynary share of the college; they consist of two things, education and alms. Would it not be fair to pay the salaries; one-half for one object, and one-half for the other?—I think it would, but no two people agree in that respect how the statutes are to be construed.

Counsel and Parties are ordered to withdraw.

Committee deliberate.

Martis, 28° *die Julii*, 1857.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

Charles Druce, Esq.; further Examined by the *Committee*.

C. Druce, Esq.

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617. YOU are Steward of Dulwich College?—Yes.

618. And were examined yesterday?—Yes.

619. Have you a paper which you wish to hand in?—Yes. It is an "Extract from the Injunction of Gilbert Archbishop of Canterbury, Visitor of Dulwich College, dated 16th July 1664," concerning the orders of the lands and revenues of the college.

620. Is there any point to which you wish to draw the attention of the Committee particularly?—After authorising the college to discontinue farming their own lands: "Further than that, wee doe appoint and ordayne that there shall be kept, in order to the service of the said college, and at the charges of the said college, four horses only, viz. one for the use of the master, one for the use of the warden, and two others for the general use of the college, for marketing horses; without allowance of any more horse or horses to be kept by or for the use of any fellow or other member of the said college than as aforesaid is expressed."

621. Is there any other point upon which you wish to add to your evidence of yesterday?—The honourable Member, Mr. Miles, inquired of me whether the college had been in the habit of setting by an eighth part of the revenue for repairs. I answered, "No;" that they had not considered themselves bound to any such proportion, nor have they; but I find upon referring to documents, that they have set by a very much larger proportion than I had supposed it had been; I also find the fact referred to in the Report of the Charity Commissioners in 1834, which I will read to the Committee; it is extremely short.

622. Does that refer to the fact of their having laid by an eighth?—The Report says; "Since the college obtained the private Act in 1808, the west wing has been partially rebuilt, and extensive repairs have been made throughout the whole building, at an expense in 1817 of 4,602 *l.*; in 1821 of 3,823*l.*; 1831 of 6,865 *l.* In the above expenditure, the whole building fund which had been accumulated has been exhausted, and 207 *l.* 12 *s.* 7 *d.* still remains to be provided for by the future receipts of the land-tax, and other savings to be made by the college. From 1812 to 1833, 22,203 *l.* 18 *s.* 5 *d.* have been laid out in building and repairs. The college itself, and all buildings appertaining thereto, are now in excellent condition."

623. Was there not a considerable outlay in 1810?—It is not alluded to; I do not recollect it.

624. Do the Commissioners in the Report to which you have referred, state anything relative to their own idea of a reserved fund?—No.

625. Nothing at all?—No; they say about the accounts, "The accounts have been examined, and appear to have been kept with great regularity and correctness. At March 4th 1833, which was the half year immediately preceding our inspection, a balance of 5,521*l.* 8 *s.* 3 *d.* remained in the hands of the warden to answer the charge of the half year following. It appears to us that so large a balance ought not to be left in the hands of the warden." It was in consequence

of

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of that, that the arrangement was made which I mentioned yesterday, to have it invested in the names of the body of the college, the largest portion of that balance, and apply the income of it to the aiding of this fund.

626. Having refreshed your memory by the inspection of these documents, are you able now to state whether, as far as regards the reserved fund, any sum of money was annually laid by for the repairs?—Yes.

627. What sum?—I should think, altogether, varying from 600*l.*, 700*l.*, 800*l.*, 900*l.*, or 1,000*l.*

628. Annually?—Yes.

629. So that, although perhaps it is not quite according to the will of the founder, a reserved fund has always been recognised?—Yes, it always has, under a public ordinance of the whole body, by which I mean the wardens and master.

630. Is there any other point upon which you wish to add to your evidence of yesterday?—The honourable Member for Southwark asked me two or three times whether any house had been built within 20 years. I felt rather ashamed at having forgotten that immediately opposite my own door, where I have frequently had the honour of meeting the honourable Member, two very large houses have been built within the last few years.

631. And there was one very large one taken down?—One was taken down, and two very much larger built.

632. Are those the only houses that have been built?—No; there are some small cottages. The great building, letting from 1866 for 84 years, has tied up the hands of the college very much with respect to a large proportion of the property.

633. Have you a ground plan of the college?—No.

634. Of the college buildings?—No; I do not think any such plan exists.

Mercurii, 29° *die Julii*, 1857.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

The Rev. *Charles Howes*, M. A., further Examined by the *Committee*.

Rev. *C. Howes*, M. A.
29 July 1857.

635. YOU were examined on a previous day before this Committee?—Yes.

636. Do you wish to hand a paper in?—Yes.

[*The same was delivered in, and is as follows:*]

Sir, Dulwich College, 28 July 1857.

I have heard on some authority that it is not the intention of your Honourable Committee to allow the retiring pensions claimed by the master, warden, and four fellows of Dulwich College. I have heard this with both surprise and anxiety—with surprise, because they are so far less than we could justly claim; and with anxiety, because my income from this college is my entire dependence. May I ask your attention to the enclosed paper, and humbly pray, that should your Honourable Committee at all doubt the perfect justness of the claims set forth, you will leave the matter to the decision of a jury. I shall be present to-morrow, ready and willing to be examined on all matters concerned in the point in question.

Yours respectfully,
Charles Howes, M.A.,
First Fellow of Dulwich College.

To the Hon. M. T. Baines,
and other Honourable Members of the
Dulwich College Committee.

Rev. *C. Howes*, M. A.

29 July 1857.

STATEMENT on the part of the Rev. *Charles Howes*, Fellow of Dulwich College, of the Income and Advantages he derives from his Position at that College.

	£.	*s.*	*d.*
Two good sitting-rooms, two good bed-rooms, rent-free, and kept in good order and repair by the college. (I may add, well situated in every particular) - - - - - - - - - - - - -			
Full board, breakfast, lunch, dinner, &c. &c., and every refreshment called for, including wine - - - - - - - - -			
Attendance of butler, footman, and housemaid, services of cook and under-cook, plate, and dinner linen, &c. &c., all kept in good order, and supplied freely when wanted - - - - - - - - -			
Coals and candles to any extent wanted - - - - - - -			
Rates and taxes paid by the college - - - - - - - -			
Stationery, pens, ink, and paper - - - - - - - -			
£.			

I beg attention to the above items, and then ask Honourable Members whether these advantages could be purchased for the sum of - - - - - - - - £. 350
Income in cash last year - - - - - - - - - - - 236

£. 586

The sum agreed on is 500*l.*, a sum very far below what might be in strictness claimed. Our incomes are annually increasing, but in lieu of all rights of increasing incomes from that increasing rent-roll, the Commissioners make our pensions for life. Let me add, that we are absolute owners of the property, and do not hold it in trust. I have not put down specific sums as a valuation of the above items, leaving it to Honourable Members to put down what they may think proper. But I will add, that every advantage I enjoy is rightfully enjoyed according to the strict letter of the statutes. It will be observed also, that I have entirely left out of all consideration the enjoyment of large commons rooms, such as dining-room, &c. &c., use of a good library, and a large and even beautiful garden. My duties ordered by statutes (apart from those which I perform voluntarily and gratuitously) are very little more than preaching one sermon on a Sunday. *See* Statute 33.

Signed by me, as a true and correct statement,
Charles Howes, M. A.,
First Fellow of Dulwich College.

637. Is there anything that you wish to add with regard to this subject beyond what appears upon the face of the paper?—I hardly know that there is, except in general terms, to say that we have honestly and truly put these things at a lower sum than we believe we are justly entitled to, not wishing to throw the slightest impediment in the way of a Bill passing which, generally speaking, we think is a very necessary measure. But I think we should all agree in denying that these sums are, in a business point of view, anything like a fair or adequate remuneration for what we lose: board and lodging are terms which are very different according to different circumstances. I was a fellow of my college at Cambridge, and if any one had asked me at what I valued my board and lodging, I should have put it at almost 100*l.*, and have thought that I was putting a fair sum. That is not the case with the board and lodging at the college. The rooms are extremely comfortable, and everything good of its kind; not anything like so much as by the statute we might expend upon those things. It is a different thing—I put it respectfully before the Committee—whether you have board and lodging, merely what is absolutely necessary, and that which is conducted on a free and liberal scale.

638. With regard to the diet you are speaking of, where do you take that from; what part of the foundation?—I can hardly tell you that. Our founder, as you are aware, divided all our items into proportions; and the consequence is, that this property having so much increased, some of those proportions would be absolutely absurd now. It would be absurd even to spend upon diet the proportions which the statutes would allow us. The diet, I think, comes under the head, where there are so many parts. I did once calculate what it would be, and it would be very large.

639. "£. 10 per annum" would not afford the splendid style of living which you enjoy?—No.

640. Taking what would have been 10*l.* then, how many times would you have to multiply it to represent its present value?—Five times, about.

641. Therefore

Rev. *C. Howes*, M. A.

29 July 1857.

641. Therefore the style and mode of living seems to have been clearly defined?—No; allow me to draw your attention to the 117th item on the 71st page. You see there, for the increase of diet for the master, wardens, and fellows, 127 parts. I once made a calculation, and I think it is 2,000*l.* a year. I say that without wishing to commit myself to a very accurate sum. I believe it has never been questioned by any one that we have a perfect right to live as we do live; and, on the contrary, it has been a joke amongst us, that if we chose to spend what we might legally spend, it would be a perfect absurdity. No one would wish to do so; it would be living more expensively than any reasonable gentleman would wish to live. We do not live in any absurd sumptuous style, but only as private gentlemen. I would draw the attention of the Committee to our very small duties, which, perhaps, you may say would be put against the freedom, and so on. My duties are really almost nominal. They are to preach one sermon on Sunday; therefore, if any Honourable Member should say, "We exonerate you from duties," you are exonerating me from very little indeed, not more than I like, in fact.

642. Would the performance of service every day prevent your taking any other duty?—I do not perform daily duty; I have to preach once on the Sunday.

643. Having the Sunday duty to perform at Dulwich, would that prevent your being the incumbent of any other parish?—Undoubtedly.

644. Who performs the daily duty?—The second and third fellows.

645. The fourth fellow should be the schoolmaster?—Yes; the fourth fellow is now the organist. Ever since the foundation of the college, in consequence of the non-appointment of six chanters, the fourth fellow has taken their place, and taught the boys music.

646. Who teaches the boys in the school?—The second and third fellows.

647. They never have done it, have they?—Yes, always, alternate weeks, ever since I have been there, and very many years before.

648. Have the second and third fellows regularly attended the school?—Yes.

649. How many hours per diem?—From nine to two at least. Then I think there comes the writing-master. I think the schoolmaster generally considers that he has done teaching our twelve boys at two o'clock.

650. How long did you say that you had been at the college?—Sixteen years.

Appendix, No. 1.

Analysis of Balance Sheet from 4th March 1856 to 4th March 1857 - - p. 41

Appendix, No. 2.

Balance Sheets for the Year, 4th March 1856 to 4th March 1857 (omitting the Rent-roll) - - - - - - - - - - - - - - p. 42

Appendix, No. 3.

Paper handed in by Mr. Briscoe, as agreed upon by 270 Ratepayers of St. Luke's.—
Proposed Alterations in the Bill for Dulwich College - - - - p. 46

APPENDIX.

Appendix, No. 1.

DULWICH COLLEGE.

ANALYSIS of BALANCE SHEET from 4th March 1856 to 4th March 1857. Appendix, No. 1.

RECEIPTS:	£.	s.	d.
Rents	8,439	7	1
Extra Receipts	1,143	18	1
Year's Income £.	9,583	5	2
1856:—March 4. Incoming Balance	5,981	–	6
£.	15,564	5	8

EXPENDITURE:	£.	s.	d.	£.	s.	d.
For the advancement of boys				396	17	11
The village school				200	–	–
Pensions				138	6	–
The maintenance of the establishment, including taxes, repairs, &c.:						
Board of master, fellows, and servants; board, clothing, and education of the foundation scholars, &c.				3,566	3	2
Expenditure £.				4,301	7	1
Salaries and Dividends:						
To the Master, salary	40	–	–			
„ „ dividend 40 p'cent	720	–	–			
				760	–	–
„ Warden, salary	30	–	–			
„ „ dividend 30 p'cent	540	–	–			
				570	–	–
To 1 Fellow, salary	20	–	–			
„ „ dividend 12 p'cent.	216	–	–			
				236	–	–
„ 2 „ salary	20	–	–			
„ „ dividend 12 p'cent.	216	–	–			
				236	–	–
„ 3 „ salary	16	–	–			
„ „ dividend 10 p'cent.	180	–	–			
				196	–	–
„ 4 „ salary	15	3	4			
„ „ dividend 10 p'cent.	180	–	–			
				195	3	4
Poor brethren and sisters, dividend 109½ p'cent.	1,971	–	–			
„ „ allowances	276	13	–			
				2,247	13	–
2,247 *l.* 13 *s.* ÷ 12 = 187 *l.* 6 *s.* 1 *d.* each.						
The Assistants, 3 p'cent.	54	–	–			
And for horse-hire	3	–	–			
				57	–	–
£.				8,799	3	5
1857.—March 4. Balance in hand				6,765	2	3
£.				15,564	5	8

Appendix, No. 2.

DULWICH COLLEGE.

BALANCE SHEETS for the Year 4th March 1856 to 4th March 1857 (omitting the Rent-Roll).

No. 1.

4th September 1856.

Appendix, No. 2.

THE ACCOUNT of *Richard William Allen*, Warden of the College of God's Gift, from the 4th day of March 1856 to the 4th day of September 1856, being a Copy of the Account audited on the latter day.

	£. s. d.	£. s. d.
Balance in hand on the 4th day of March 1856 - - -	- - -	5,981 – 6
EXTRA RECEIPTS:		
Arrears of Rents to Michaelmas 1855:		
Mrs. Mann - - - - - - - - - -	0 2 8	
Mr. Goddard - - - - - - - - - -	4 13 4	
T. G. Bartlett (in part) - - - - - - - -	20 – –	
		34 16 –
From Turnpikes:		
Dulwich Court Lane Gate - - - - - - -	23 1 6	
Penge Gate - - - - - - - - - -	231 2 6	
		254 4 –
SUNDRIES:		
For gravel (arrear) - - - - - - - - -	2 2 –	
Ditto - - - - - - - - - -	2 – 6	
Coppice (arrear) - - - - - - - - - -	– 10 –	
Ditto - - - - - - - - - -	6 14 –	
For a cow - - - - - - - - - -	12 – –	
For a calf - - - - - - - - - -	– 4 –	
For three pigs - - - - - - - - - -	– 15 –	
From the pound - - - - - - - - - -	– 8 6	
Of the master, for hay - - - - - - - - -	5 4 –	
		29 18 –
		318 18 –

Appendix, No. 2.

THE DISCHARGE of the WARDEN for Housekeeping, Preferment of Boys, Mending the Highways, &c. &c., from the 4th day of March 1856 to the 4th day of September 1856, all of which have been examined and allowed.

	£.	s.	d.		£.	s.	d.
The 1st week, ending March 8 -	69	10	6	The 16th week, ending June 21 -	45	16	3
2d - ditto - „ 15 -	41	11	8	17th - ditto - „ 28 -	137	11	10
3d - ditto - „ 22 -	78	6	9				
4th - ditto - „ 29 -	106	8	10	18th - ditto - July 5 -	82	11	6
				19th - ditto - „ 12 -	66	19	5
5th - ditto - April 5 -	101	11	3	20th - ditto - „ 19 -	70	5	6
6th - ditto - „ 12 -	82	11	5	21st - ditto - „ 26 -	77	6	6
7th - ditto - „ 19 -	80	10	6				
8th - ditto - „ 26 -	81	7	5	22d - ditto - Aug. 2 -	68	12	–
				23d - ditto - „ 9 -	58	8	7
9th - ditto - May 3 -	80	9	9	24th - ditto - „ 16 -	226	16	5
10th - ditto - „ 10 -	133	8	6	25th - ditto - „ 23 -	69	8	8
11th - dit „ 17 -	117	7	6	26th - ditto - „ 30 -	66	–	5
12th - ditto - „ 24 -	100	13	1				
13th - ditto - „ 31 -	124	3	1	£.	2,344	3	11
14th - ditto - June 7 -	114	5	8				
15th - ditto - „ 14 -	62	–	11				

4th September 1856.

	£.	s.	d.	£.	s.	d.
The last balance - - - - - - - - -	5,981	–	6			
Extra receipts - - - - - - - - -	318	18	–			
				6,299	18	6
Rents to Lady-day 1856 - - - - - -	-	-	-	4,031	–	4
				10,330	18	10
The Discharge amounts to - - - - - -	-	-	-	2,344	3	11
BALANCE - - - £.				7,986	14	11

Received for our horse-hire, 5 *s.* each.

(signed) *G. J. Allen.*
R. W. Allen.
Chas. Howes.
William Fellowes.
W. L. Chafy.
E. A. Giraud.
S. C. Norris.
E. F. Bowerbank.
J. W. Mormery.
Thos. Bastow.
Robt. Fisher.

4th March 1857.

THE ACCOUNT of *Richard William Allen*, Warden of the College of God's Gift, from the 4th day of September 1856 to the 4th day of March 1857 (being a Copy of the Account audited on the latter day).

	£.	s.	d.	£.	s.	d.
Balance in hand on the 4th day of September 1856 - -	-	-		7,986	14	11
EXTRA RECEIPTS:						
Arrears of Rents received since the last Audit; viz.:						
Charles Dudman - - - - - - -	11	4	–			
Lambeth Waterworks - - - - - -	100	18	2			
George Wythes - - - - - - -	560	9	4			
				672	11	6
Carried forward - - -				672	11	6

Appendix, No. 2.

	£. s. d.	£. s. d.
Brought forward - - -	- - -	672 11 6
SUNDRIES:		
Of the late bailiff against sand and wood - - - -	6 18 3	
Of the bailiff for a sow - - - - - - -	4 15 –	
„ for a pig - - - - - - -	1 – –	
„ for calves - - - - - - -	1 15 –	
„ for rough wood - - - - - -	10 4 –	
„ for bog earth - - - - - -	– 16 6	
Hunt's pasturage - - - - - -	1 – –	
Verry way-leave - - - - - -	– 1 –	
From the pound - - - - - -	1 12 10	
		28 2 7
Of the Master, for extra hay - - - - - -	- - -	5 4 –
From the turnpikes, from 4th September 1856 to 4th March 1857:		
Dulwich Court-lane Gate - - - - - -	19 4 –	
Penge-road Gate - - - - - - -	99 18 –	
		119 2 –
	£.	825 – 1

4th March 1857.

THE DISCHARGE of the Warden for Housekeeping, Preferment of Boys, Mending the Highways, &c., &c., from the 4th day of September 1856 to the 4th day of March 1857 (all of which have been examined and allowed).

1856:	£. s. d.	1856:	£. s. d.
The 1st week, ending September 6	53 1 11	The 16th week, ending Dec. 20	45 15 7
2d - ditto - „ 13	69 19 3	17th - ditto - „ 27	107 12 –
3d - ditto - „ 20	46 13 6	1857:	
4th - ditto - „ 27	74 11 8	The 18th week, ending January 3	94 10 9
5th - ditto - October 4	110 17 6	19th - ditto - „ 10	83 17 10
6th - ditto - „ 11	86 10 3	20th - ditto - „ 17	94 10 3
7th - ditto - „ 18	81 2 6	21st - ditto - „ 24	88 19 10
8th - ditto - „ 25	71 13 3	22d - ditto - „ 31	75 1 3
9th - ditto - November 1	80 2 7	23d - ditto - February 7	72 16 –
10th - ditto - „ 8	82 18 2	24th - ditto - „ 14	100 17 1
11th - ditto - „ 15	75 1 2	25th - ditto - „ 21	96 14 10
12th - ditto - „ 22	75 19 3	26th - ditto - „ 28	296 13 1
13th - ditto - „ 29	73 1 8		
14th - ditto - December 6	64 1 11	TOTAL - - - £.	2,377 19 6
15th - ditto - „ 13	174 16 7		

4 March 1857.	£. s. d.
The last Balance - - - - - - - - - - - -	7,986 14 11
Extra Receipts - - - - - - - - - - - -	825 – 1
Rents to Michaelmas 1856 - - - - - - - - - - -	4,408 6 9
	13,220 1 9
The Discharge amounts to - - - - - - - - - - -	2,377 19 6
	10,842 2 3
Delivered to the Warden for present use - - - - - - - -	42 2 3
	10,800 – –

			£. s. d.
To the Master - - - - - - -	40 parts	- - - - - -	720 – –
the Warden - - - - - - -	30 „	- - - - - -	540 – –
1st Fellow - - - - - - -	12 „	- - - - - -	216 – –
2d Fellow - - - - - - -	12 „	- - - - - -	216 – –
3d Fellow - - - - - - -	10 „	- - - - - -	180 – –
4th Fellow - - - - - - -	10 „	- - - - - -	180 – –
the poor Brethren and Sisters	109½ „	- - - - - -	1,971 – –
the Assistants - - - - - -	3 „	- - - - - -	54 – –
And the remains - - - - - -	373½ „	- - - - - -	6,723 – –
	600 „	£.	10,800 – –

	£.	s.	d.
The above - -	6,723	–	–
and - -	42	2	3
Together - -	6,765	2	3

delivered to the Warden as the first receipt of monies to be disbursed by him on account of the College.

Received for our horse-hire, 5 *s.* each, and also our three parts, as above.

(signed) *G. J. Allen.* *W. L. Chafy.* *Thos. Bastow.*
R. W. Allen. *S. C. Norris.* *John Brown.*
Chas. Howes. *E. F. Bowerbank.* *Robt. Fisher.*
William Fellowes. *J. W. Mormery.*

No. 2.

RECEIPTS AND EXPENDITURE.

Receipts: For the Year ending 4 March 1857.	£.	s.	d.	Expenditure: For the Year ending 4 March 1857.	£.	s.	d.
Rents for the half-year to Lady-day 1856	4,031	–	4	The discharge for the half-year from 5 March 1856 to 4 September 1856 -	2,344	3	11
Extra Receipts from 5 March 1856 to 4 September 1856 - - - -	318	18	–				
Rents for the half-year to Michaelmas 1856 - - - - - - -	4,408	6	9	The discharge for the half-year from 4 September 1856 to 4 March 1857 -	2,377	19	6
Extra Receipts from 4 September 1856 to 4 March 1857 - - - -	825	–	1				
£.	9,583	5	2	£.	4,722	3	5

No. 3.

BALANCE SHEET for the Year ending the 4th of March 1857, containing a Statement of the Balance of the foregoing Accounts.

4 March 1856:	£.	s.	d.	4 March 1856:	£.	s.	d.	£.	s.	d.
To Balance in hand at this date, as per last account filed - - - - -	5,981	–	6	To Expenditure to this time, as per Statement, No. 2 - - -				4,722	3	5
				To Dividends at this date, paid to—						
				The Master - -	720	–	–			
4 March 1857:				„ Warden - -	540	–	–			
				„ 1st Fellow -	216	–	–			
To Receipts to this time, as per Statement, No. 2 - - - - - - -	9,583	5	2	„ 2d ditto - -	216	–	–			
				„ 3d ditto - -	180	–	–			
				„ 4th ditto - -	180	–	–			
				Reserved for the poor Brethren and Sisters -	1,971	–	–			
				Paid to the Assistants -	54	–	–	4,077	–	–
				The remains - - -	6,723	–	–			
				Delivered to the Warden for present use - -	42	2	3			
				Forming together the Balance of -				6,765	2	3
£.	15,564	5	8	£.				15,564	5	8

We certify the foregoing statements to be correct, but the same do not include the repairing fund.

(signed) *G. S. Allen*, Master.
R. W. Allen, Warden.
C. Howes.
W. Fellowes.
W. L. Chafy.

Dated this 24th day of March 1857.

Appendix, No. 3.

PAPER handed in by Mr. *Briscoe*, as agreed upon by 270 Ratepayers of St. Luke's.

PROPOSED ALTERATIONS in the BILL for DULWICH COLLEGE.

Appendix, No. 3.

1. To select two Governors from each of the parishes.

2. To enlarge the proportion allotted to the eleemosynary branch of the Charity, in order to carry out the praiseworthy intentions of the Founder.

3. To omit the Clauses in reference to the New Church and the Incumbent's Residence, as not being needed for the purposes of the Institution.

4. To omit the whole arrangements for the Upper School and Boarding Establishment, as being inapplicable to the needy circumstances of the Scholars; and, as soon as the Educational funds will permit, to establish a Day School in each of the parishes interested, for Clothing and Educating One Hundred Orphans and other needy Poor described in the Statutes of the Founder.

5. To make a moderate provision for the maintenance of the destitute Almspeople (or members) in the several parishes; to repair their houses when needful, and increase their number as soon as the funds will permit.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

DULWICH COLLEGE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
31 *July* 1857.

[*Price* 8 *d.*]

222—Sess. 2.

Under 12 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON THE

ECCLESIASTICAL CORPORATIONS BILL,

AND THE

ECCLESIASTICAL COMMISSION, &c., BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1857.

192—Sess. 2.

Jovis, 18° *die Junii*, 1857.

The "ECCLESIASTICAL CORPORATIONS" BILL, and the "ECCLESIASTICAL COMMISSION, &c." BILL, were read 2°, and committed to a Select Committee.

Lunæ, 22° *die Julii*, 1857.

A Select Committee was nominated accordingly, viz.—

Lord John Russell.	Lord Robert Grosvenor.
Sir George Grey.	Sir John Pakington.
Marquis of Blandford.	Mr. Ingham.
Sir James Graham.	Mr. Mowbray.
Mr. Walpole.	

Ordered, THAT Three be the Quorum of the Committee.

Lunæ, 29° *die Junii*, 1857.

Ordered, THAT Lord Robert Cecil, Sir William Heathcote, and Mr. John Abel Smith, be added to the Committee.

Veneris, 17° *die Julii*, 1857.

Ordered, That the Committee have power to report their Observations to The House.

THE REPORT - - - - - - - - - - - - - 3

PROCEEDINGS OF THE COMMITTEE - - - - - - - 4

REPORT.

THE SELECT COMMITTEE to whom the ECCLESIASTICAL CORPORATIONS BILL, and the ECCLESIASTICAL COMMISSION, &c. BILL, were committed, and who were empowered to report their Observations to The House;—— HAVE considered the matter of the said Bills, and agreed to the following REPORT:—

THAT the object of the two Bills committed to them is, to a great extent, the same, but the Committee are not prepared to recommend to The House to proceed further with the Ecclesiastical Corporations Bill.

17 *July* 1857.

PROCEEDINGS OF THE COMMITTEE.

Martis, 23° die Junii, 1857.

MEMBERS PRESENT:

Lord John Russell.	Mr. Walpole.
Sir George Grey.	Mr. Ingham.
Marquis of Blandford.	Mr. Mowbray.

Lord JOHN RUSSELL was called to the Chair.

Committee deliberated.

[Adjourned to Friday week, the 3d July, at One o'clock.

Veneris, 3° die Julii, 1857.

MEMBERS PRESENT:

Mr. Walpole.	Lord Robert Grosvenor.
Mr. Mowbray.	Lord R. Cecil.
Sir George Grey.	Mr. J. A. Smith.
Mr. Ingham.	

Sir GEORGE GREY was called to the Chair.

Committee deliberated.

Bills considered.

[Adjourned to Friday next, at Half-past Twelve o'clock.

Veneris, 10° die Julii, 1857.

MEMBERS PRESENT:

Sir GEORGE GREY, in the Chair.

Mr. Walpole.	Sir James Graham.
Mr. Mowbray.	Lord Robert Cecil.
Sir William Heathcote.	Sir John Pakington.
Lord Robert Grosvenor.	

Ecclesiastical Commission Bill.—Proposed Amendments read and considered.

[Adjourned to Tuesday next, at One o'clock.

Martis, 14° *die Julii*, 1857.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Sir James Graham.	Mr. Ingham.
Sir George Grey.	Mr. Mowbray.
Sir John Pakington.	Sir William Heathcote.
Lord Robert Grosvenor.	Mr. Walpole.

The Committee further considered the Ecclesiastical Commission Bill, and made several amendments.

[Adjourned till Friday, at One o'clock.

Veneris, 17° *die Julii*, 1857.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Walpole.	Mr. Ingham.
Mr. Mowbray.	Sir William Heathcote.
Sir George Grey.	

Ecclesiastical Commission Bill considered, and further amendments made.

Ordered, To report the Bill, as amended.

ECCLESIASTICAL CORPORATIONS BILL.

Committee deliberated, and resolved that the object of the two Bills committed to them is, to a great extent, the same, but the Committee are not prepared to recommend to The House to proceed further with the Ecclesiastical Corporations Bill.

Chairman instructed to move the House for power to Report observations.

Ordered, to Report.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

ECCLESIASTICAL CORPORATIONS BILL,

AND THE

ECCLESIASTICAL COMMISSION, &c., BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1857.

192—Sess. 2.

Under 1 *oz.*

REPORT

FROM THE

COMMITTEE

UPON

EXPIRING LAWS:

FOR THE

I^ST Session—XVII^TH Parliament of the United Kingdom of GREAT BRITAIN and IRELAND.

(20 VICTORIA, 1857.)

Ordered, by The House of Commons, *to be Printed,*
2 *July* 1857.

Martis, 29° Junii 1857.

Ordered, That a Committee be appointed to inquire what Temporary Laws of a Public and General Nature are now in force, and what Laws of the like nature have expired since the last Report upon the subject; and also, what Laws of the like nature are about to expire at particular periods, or in consequence of any contingent public event; and to report the same, and their Observations thereupon, to The House;—and that the Committee do consist of—

Mr. Wilson,	Mr. Hayter,
Mr. Fitzroy,	Sir John Ramsden,
Mr. Attorney-General,	Mr. William Williams,
Mr. Solicitor-General,	Mr. Herbert,
Mr. Cowper,	Sir Benjamin Hall,
Mr. Hardy,	Viscount Duncan.

Ordered, That the Committee have power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

REPORT.

THE SELECT COMMITTEE appointed to inquire what TEMPORARY LAWS of a Public and General Nature ARE NOW IN FORCE, and what Laws of the like nature HAVE EXPIRED since the last Report upon the subject; and also, what Laws of the like nature ARE ABOUT TO EXPIRE at particular Periods, or in consequence of any Contingent Public Event; and to report the same, with their Observations thereupon, to The HOUSE:—

HAVE considered the Matters to them referred, and agreed to the following Report.

2 July 1857.

LIST.

REGISTER OF TEMPORARY LAWS NOW IN FORCE - - - - p. 5

EXPIRED LAWS (from 1 January 1856 to 30 April 1857) - - - - - p. 15

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INDEX TO LAWS which were inserted in the Register of Temporary Laws then in force in the last Report of the Committee on Expiring Laws (4 April 1856), but which are now omitted - - - - - - - - - - - - p. 19

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REGISTER OF TEMPORARY LAWS NOW IN FORCE.

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*
1. BANK of ENGLAND INCORPORATION.	5,6 W.&M.	20, §20. 21.	7 Nov. 1693.	For granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; for securing certain Recompences and Advantages, in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of £.1,500,000. towards the carrying on the War against France.	
	8, 9 W. 3.	20, §26. 27.			
	N. B. Clauses for continuing this Corporation in successive Loan Acts down to				
	19, 20 Vict.	21.	5 June 1856.	Bank continued as a Corporation - - -	Till payment of Sums due to the Bank, and Redemption of all Bank Annuities created by Parliament.
				Note.—As to the Bank of England Privileges, *see* No. 8.	
2. BANK of IRELAND.	Acts of the Parliament of Ireland.				
	21,22 Geo. 3.	16.	1781.	For establishing a Bank, by the Name of The Governor and Company of the Bank of Ireland.	
	amended by				
	31 Geo. 3.	22.			
	37 Geo. 3.	50.			
	Acts of the United Parliament.				
	48 Geo. 3.	103.			
	1, 2 Geo. 4.	72.			
	3 Geo. 4.	26.			
	7 Will. 4. & 1 Vict.	59.			
	1, 2 Vict.	81.			
	2, 3 Vict.	91.			
	3, 4 Vict.	75.			
	8, 9 Vict.	37.	21 July 1845.	Bank of Ireland continued as a Corporation, and may be dissolved,	After 1 January 1855, on Twelve Months' Notice, and repayment of Debt due from the Public to the Bank.

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
3. FOREIGN TRADE.	59 Geo. 3. explained & extended	54.	2 July 1819.	To carry into effect a Convention of Commerce concluded between His Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal.	Duration of Treaty with any Foreign Power, containing Reciprocity Provision.	
	8, 9 Vict.	90.	4 Aug. 1845.			
4. HIGHLAND ROADS and BRIDGES (Scotland).	4 Geo. 4. amended	56.	8 July 1823.	For maintaining in repair the Military and Parliamentary Roads and Bridges in the Highlands of Scotland; and also certain Ferry Piers and Shipping Quays erected by the Commissioners for Highland Roads and Bridges.	24 July and END of then NEXT SESSION.	1864
	5 Geo. 4. amended and continued by	38.				
	3, 4 Will. 4. extended	33.	24 July 1833.			
	11, 12 Vict.	40.	14 Aug. 1848.			
	14, 15 Vict.	66.	7 Aug. 1851.			
5. COAL TRADE (PORT OF LONDON.)	1, 2 Will. 4. continued	lxxvi.	Local.	For regulating the Vend and Delivery of Coals in the Cities of London and Westminster, and in certain Parts of the Counties of Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire and Berkshire.	5 July	1862
	8, 9 Vict.	101.	4 Aug. 1845.			
6. WEST INDIES RELIEF.	2, 3 W. 4. extended to Dominica	125.	16 Aug. 1832.	For enabling His Majesty to direct the Issue of Exchequer Bills, to a limited Amount, for the Purposes and in the Manner therein mentioned, and for giving Relief to Trinidad, British Guiana and Saint Lucia.		
	5, 6 W. 4. amended by	51.				
	7, 8 Vict.	17.				
	8, 9 Vict.	50.				
	11, 12 Vict.	38.	14 Aug. 1848.	Powers of Commissioners continued - -	Until Loan of £. 995,000 under the Act shall have been advanced, or the Commissioners of Her Majesty's Treasury shall sooner determine.	

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*
7. EAST INDIA COMPANY'S DIVIDEND.	3, 4 Will. 4.	85.	28 Aug. 1833.	For effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories.	
	amended by				
	16, 17 Vict.	95.	20 Aug. 1853.	3 & 4 Will. 4, c. 85, § 12. Dividend out of Revenues of Territories retained, subject to Redemption by Parliament (on 12 Months' notice) upon and at any time after - -	30 April 1874
				§ 13. If the Company be deprived of the Government of India on or after 30th April 1854, they may (within one year) demand Redemption of the Dividend, and Dividend must be redeemed within three years after such demand.	
8. BANK OF ENGLAND PRIVILEGES.	3, 4 W. 4.	98.	29 Aug. 1833.	For giving to the Corporation of the Governor and Company of the Bank of England certain Privileges for a limited Period, under certain Conditions.	Determinable on 12 Months' Notice, after 1 August 1855, and on Repayment of the Debt due from the Public to the Bank.
	amended by				
	7, 8 Vict.	32.			
9. LINEN, HEMPEN, COTTON and other MANUFACTURES (Ireland.)	5, 6 Will. 4.	27.	21 Aug. 1835.	To continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland.	24 July 1859
	amended				
	3, 4 Vict.	91.	10 Aug. 1840.	For the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers and other Persons employed in the Linen, Hempen Union, Cotton, Silk and Woollen Manufactures in Ireland, and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament.	
	continued and amended.				
	5, 6 Vict.	68.			
	7, 8 Vict.	47.			
	17, 18 Vict.	46.	24 July 1854.		
10. CIVIL LIST.	1, 2 Vict.	2.	23 Dec. 1837.	For the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland - - - - - - - -	6 Months after the Death of Her Majesty.
11. PRISONS (Scotland).	2, 3 Vict.	42.	17 Aug. 1839.	To improve Prisons and Prison Discipline in Scotland.	1 January and END of then NEXT SESSION. 1861
	continued and amended				
	*7, 8 Vict.	34.	19 July 1844.	* Note.—The Title of this Act differs from the enacting Clause § 32, as to its duration.	
	and amended				
	14, 15 Vict.	27.	24 July 1851.		

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
12. OATHS, UNLAWFUL. (Ireland).	2, 3 Vict. continued and amended 11, 12 Vict. continued 19, 20 Vict.	74. 89. 78.	24 Aug. 1839. 31 Aug. 1848. 29 July 1856.	To extend and render more effectual an Act [4 Geo. 4, c. 87] to amend an Act [50 Geo. 3, c. 102] for preventing the administering and taking unlawful Oaths in Ireland.	29 July and END of then NEXT SESSION.	1861
13. POOR'S RATES STOCK IN TRADE EXEMPTION.	3, 4 Vict. continued 19, 20 Vict.	89. 42.	10 Aug. 1840. 7 July 1856.	To exempt Inhabitants of Parishes, Townships, and Villages from liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor, until - - -	1 October and END of then NEXT SESSION.	1859
14. SURVEY of GREAT BRITAIN.	4, 5 Vict. amended and continued 19, 20 Vict.	30. 61.	21 June 1841. 21 July 1856.	To authorize and facilitate the Completion of a Survey of Great Britain, Berwick-upon-Tweed and the Isle of Man.	31 December	1861
15. HIGHWAY RATES. (E.)	4, 5 Vict. continued 17, 18 Vict.	59. 52.	22 June 1841. 31 July 1854.	To authorize the Application of a Portion of the Highway Rates to Turnpike Roads, in certain Cases.	1 October and END of then NEXT SESSION.	1860
16. LUNATIC ASYLUMS (Ireland).	5, 6 Vict. continued 18, 19 Vict.	123. 76.	12 Aug. 1842. 30 July 1855.	For amending the Law relating to Private Lunatic Asylums in Ireland.	1 August and END of then NEXT SESSION.	1860
17. APPREHENSION OF OFFENDERS (France).	6, 7 Vict. amended by 8, 9 Vict.	75. 120.	22 Aug. 1843. 8 Aug. 1845.	For giving Effect to a Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders.	Continuance of said Convention.	
18. APPREHENSION OF OFFENDERS (America).	6, 7 Vict. amended by 8, 9 Vict.	76. 120.	22 Aug. 1843. 8 Aug. 1845.	For giving Effect to a Treaty between Her Majesty and the United States of America for the Apprehension of certain Offenders.	Continuance of Tenth Article of said Treaty.	

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
19. COURTS MARTIAL (East Indies).	7, 8 Vict.	18.	6 June 1844.	To remove Doubts as to the Power of appointing, convening and confirming the Sentences of Courts Martial in the East Indies.	Continues, so far as regards Officers and Soldiers in Her Majesty's Service, during the continuance of any Act for punishing Mutiny and Desertion, &c.	
20. DUCHY OF CORNWALL.	7, 8 Vict.	65.	6 Aug. 1844.	To enable the Council of His Royal Highness Albert Edward Prince of Wales to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of Cornwall, to purchase other Lands, and for other Purposes.	Certain Provisions continue during Minority of the Prince of Wales.	
21. POOR LAWS (Ireland).	10, 11 Vict.	90.	22 July 1847.	To provide for the Execution of the Laws for Relief of the Poor in Ireland.		
	amended 14, 15 Vict.	68.				
	continued 17, 18 Vict.	63.	31 July 1854.	As to appointment of Commissioners, &c.	23 July and END of then NEXT SESSION.	1859
22. ECCLESIASTICAL JURISDICTION.	10, 11 Vict.	98.	22 July 1847.	To amend the Law as to Ecclesiastical Jurisdiction in England.		
	continued 20 Vict.	10.	21 Mar. 1857.	As to certain Provisions - - - -	1 August and END of then NEXT SESSION.	1857
23. POOR LAW.	10, 11 Vict.	109.	23 July 1847.	For the Administration of the Laws for Relief of the Poor in England.		
	continued 17, 18 Vict.	41.	24 July 1854.	As to appointment of Commissioners, &c.	23 July and END of then NEXT SESSION.	1859
24. CRIME AND OUTRAGE (Ireland).	11, 12 Vict.	2.	20 Dec. 1847.	For the better Prevention of Crime and Outrage in certain Parts of Ireland.	1 July	1858
	continued in part, with Amendments.					
	19, 20 Vict.	36.	30 June 1856.	For the better Preservation of the Peace in Ireland.		

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
25. NAVAL MEDICAL SUPPLEMENTAL FUND SOCIETY.	11, 12 Vict.	58.	14 Aug. 1848.	To authorize an Alteration of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.	14 August and END of then NEXT SESSION.	1858
26. SHEEP AND CATTLE (Diseased).	11, 12 Vict.	107.	4 Sept. 1848.	To prevent the spreading of contagious or infectious Disorders among Sheep, Cattle and other Animals.	1 August and END of then NEXT SESSION.	1857
	extended and continued					
	16, 17 Vict.	62.	4 Aug. 1853.			
	19, 20 Vict.	101.	29 July 1856.			
27. POOR LAW UNION CHARGES.	11, 12 Vict.	110.	4 Sept. 1848.	To alter the Provisions relating to the Charges for the Relief of the Poor in Unions.		
	amended and continued					
	12, 13 Vict.	103.	1 Aug. 1849.			
	continued (except as to Provisions repealed)			Temporary as to certain Provisions.		
	20 Vict.	18.	21 Mar. 1857.	- - - - - - - - - -	30 September and END of then NEXT SESSION.	1858
28. SAVINGS BANKS (Ireland).	11, 12 Vict.	133.	5 Sept. 1848.	To amend the Laws relating to Savings Banks in Ireland.	1 January and END of then NEXT ENSUING SESSION.	1858
	continued					
	17, 18 Vict.	50.	24 July 1854.			
29. APPREHENSION OF DESERTERS (Portugal).	12, 13 Vict.	25.	26 June 1849.	For giving Effect to the Stipulations of a Treaty between Her Majesty and the Queen of Portugal, for the Apprehension of certain Deserters.	Continuance of Treaty.	
30. INCUMBERED ESTATES (Ireland).	12, 13 Vict.	77.	28 July 1849.	Further to facilitate the Sale and Transfer of Incumbered Estates in Ireland.		
	amended and continued			As to applications for sales - - -	28 July	1858
	16, 17 Vict.	64.	15 Aug. 1853.	As to appointment of Commissioners, &c. -	15 Aug. and END of then NEXT SESSION.	1857
	19, 20 Vict.	67.	21 July 1856.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
31. ALTERATIONS IN PLEADINGS.	13, 14 Vict.	16.	31 May 1850.	To enable the Judges of the Courts of Common Law at Westminster to alter the Forms of Pleading.	25 May	1860
	continued					
	18, 19 Vict.	26.	25 May 1855.			
32. COPYHOLD INCLOSURE and TITHE COMMIS-SIONS.	14, 15 Vict.	53.	1 Aug. 1851.	To consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the Completion of Proceedings under the Tithe Commutation Acts. Temporary as to appointment of Commissioners, &c.	1 August and END of then NEXT SESSION.	1857
	continued					
	20 Vict.	8.	21 Mar. 1857.			
33. THE RAILWAYS ACT (Ireland) 1851.	14, 15 Vict.	70.	7 Aug. 1851.	To alter and amend certain Provisions of the Lands Clauses Consolidation Act, 1845, so far as relates to Ireland.	29 July and END of then NEXT SESSION.	1857
	continued					
	19, 20 Vict.	72.	29 July 1856.			
34. EPISCOPAL and CAPITULAR ESTATES MANAGE-MENT.	14, 15 Vict.	104.	8 Aug. 1851.	To facilitate the Management and Improvement of Episcopal and Capitular Estates in England.	29 July	1857
	continued and amended					
	17, 18 Vict.	116.	11 Aug. 1854.			
	19, 20 Vict.	74.	29 July 1856.			
35. INCOME TAX.	16, 17 Vict.	34.	28 June 1853.	For granting to Her Majesty Duties on Profits arising from Property, Professions, Trades and Offices.	6 April, except as to Arrears, &c.	1860
	20 Vict.	6.	21 Mar. 1857.	To reduce the Rates of Duty on Profits arising from Property, Professions, Trades and Offices. *Note.*—From 5 April 1858, the Duties granted by the 16 & 17 Vict. c. 34, are to revive during the remainder of the Term therein limited.	5 April inclusive.	1858
36. INSURANCES ON LIVES. (Abatement of Income Tax.)	16, 17 Vict.	91.	20 Aug. 1853.	To extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurances on Lives.	5 July	1857
	amended and continued					
	18, 19 Vict.	35.	26 June 1855.			
	19, 20 Vict.	33.	30 June 1856.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
37. CHARITABLE TRUSTS ACT (1853).	16, 17 Vict.	137.	20 Aug. 1853.	For the better Administration of Charitable Trusts.		
	18, 19 Vict. continued	124.	14 Aug. 1855.	To amend the Charitable Trusts Act, 1853.		
	19, 20 Vict.	76.	29 July 1856.	Both Acts temporary as to exemption of Roman Catholic Charities.	1 September	1857
38. OXFORD UNIVERSITY.	17, 18 Vict.	81.	7 Aug. 1854.	To make further Provision for the good Government and Extension of the University of Oxford, of the Colleges therein, and of the College of St. Mary, Winchester. Temporary as to the Powers of the Commissioners.	1 January but continued (under a power in the Act) by Order of Her Majesty in Council until 1 January	1857 1858
39. SPIRITS (Ireland.)	17, 18 Vict.	89.	10 Aug. 1854.	To amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of Illicit Distillation in Ireland. Temporary as to certain Provisions for preventing Illicit Distillation. *See* §§ 13, 14.	10 August	1857
40. PUBLIC HEALTH.	17, 18 Vict.	95.	10 Aug. 1854.	To make better Provision for the Administration of the Laws relating to the Public Health.		
	continued			Temporary as to appointment of General Board of Health.		
	19, 20 Vict.	85.	29 July. 1856.	- - - - - - - - - -	29 July and END of then NEXT SESSION.	1857
41. CORRUPT PRACTICES PREVENTION ACT, 1854.	17, 18 Vict.	102.	10 Aug. 1854.	To consolidate and amend the Laws relating to Bribery, Treating and undue Influence at Elections of Members of Parliament.	10 August and END of then NEXT SESSION.	1857
	continued					
	19, 20 Vict.	84.	29 July 1856.			
42. INCUMBERED ESTATES (West Indies.)	17, 18 Vict.	117.	11 Aug. 1854.	To facilitate the Sale and Transfer of Incumbered Estates in the West Indies. Temporary as to appointments of Commissioners, &c. - - - - - - - -	Six Years from Date at which the Act takes effect,* and until the NEXT SESSION.	
				* *Note.*—The Act takes effect upon the issuing of an Order in Council.		

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
43. ARMY SERVICE ACT AMENDMENT.	18, 19 Vict.	4.	27 Feb. 1855.	To amend the Act for limiting the Time of Service in the Army.	27 February	1858
44. TREASURERS OF COUNTIES (Ireland).	18, 19 Vict.	74.	30 July 1855.	To enable Grand Juries of Counties in Ireland to present for Payment of Expenses in certain Cases.	1 August and END of then NEXT SESSION.	1857
45. COAL MINES INSPECTION.	18, 19 Vict.	108.	14 Aug. 1855.	To amend the Law for the Inspection of Coal Mines in Great Britain -	14 August and END of then NEXT SESSION.	1860
46. UNION OF CONTIGUOUS BENEFICES.	18, 19 Vict.	127.	14 Aug. 1855.	To make better Provision for the Union of Contiguous Benefices, and to facilitate the Building and Endowing of New Churches in Spiritually Destitute Districts.	14 August	1860
47.	19, 20 Vict.	8.	14 Mar. 1856.	For the Regulation of Her Majesty's Royal Marine Forces while on Shore.		
MUTINY ACT (Marine Forces).	20 Vict.	14.	21 Mar. 1857.	Continuance: In Great Britain - - -	25 April	1858
				- - - - Ireland, Jersey, Guernsey, Alderney, Sark and Isle of Man	1 May	
				- - - - Gibraltar, Spain and Portugal -	25 July	
				- - - - Elsewhere in Europe, and the West Indies, North America, and Cape of Good Hope -	25 Sept.	
				- - - - Elsewhere - - - - -	25 Nov.	
48. MUTINY ACT (Army).	19, 20 Vic	10.	14 Mar. 1856.	For punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.		
	20 Vict.	13.	21 Mar. 1857.	Continuance: In Great Britain - - -	25 April	1858
				- - - - Ireland, Jersey, Guernsey, Alderney, Sark and Isle of Man	1 May	
				- - - - Gibraltar, the Mediterranean, Spain and Portugal - -	1 August	
				- - - - Elsewhere in Europe, and in the West Indies and America -	1 Sept.	
				- - - - Cape of Good Hope, Isle of France or Mauritius, St. Helena, and Western Coast of Africa - - - - -	1 January	1859
				- - - - Elsewhere - - - - -	1 February	1860

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued*.

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
49. TURNPIKE ACTS, (G. B.)	19, 20 Vict.	49.	14 July 1856.	To continue certain Turnpike Acts in Great Britain.		
				As to certain Acts - - - - - -	1 October and END of then NEXT SESSION.	1857
				As to certain Acts - - - - - -	1 November	1857
50. MILITIA BALLOT SUSPENSION.	19, 20 Vict.	52.	14 July 1856.	To suspend the making of Lists and the Ballots for the Militia of the United Kingdom.	1 October	1857
51. TURNPIKE ACTS (Ireland).	19, 20 Vict.	71.	29 July 1856.	To continue certain Acts for regulating Turnpike Roads in Ireland.	31 July and END of then NEXT SESSION.	1857
52. CAMBRIDGE UNIVERSITY.	19, 20 Vict.	88.	29 July 1856.	To make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton. Temporary as to the Powers of the Commissioners.	1 January but may be continued by Order of Her Majesty in Council until 1 January	1859 1860
53. MILITIA PAY (G. B. & I.)	19, 20 Vict.	90.	29 July 1856.	To defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances to certain Officers of the Militia; and to authorize the Employment of the Non-commissioned Officers.	1 September	1857
54. INDEMNITY OFFICES, &c.	20 Vict.	7.	21 Mar. 1857.	To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until - - - - - -	25 March and END of then SESSION.	1858

EXPIRED LAWS:

VIZ.

FROM 1 JANUARY 1856 TO 30 APRIL 1857.

Subject.	*Original Act.*	*Last continuing Act.*	*Term of Expiration.*
CHURCHES.	58 Geo. 3, c. 45	19, 20 Vict. c. 55	1 January 1857
ASSESSED TAXES (Great Britain.)	59 Geo. 3, c. 51	13, 14 Vict. c. 96	5 April 1856
LOAN SOCIETIES.	3, 4 Vict. c. 110	16, 17 Vict. c. 109	21 March 1857
COAL-WHIPPERS (Port of London.)	14, 15 Vict. c. 78	14, 15 Vict. c. 78	29 July 1856
MANNING THE NAVY.	17, 18 Vict. c. 18	- - -	End of the War.
ENLISTMENT OF FOREIGNERS.	18, 19 Vict. c. 2	- - -	12 Months after Ratification of a definitive Treaty of Peace.

INDEX OF TEMPORARY LAWS.

Class I.

TEMPORARY LAWS

THE DURATION OF WHICH IS CERTAIN, UNLESS SO FAR AS THEY DEPEND ON THE SITTING OF PARLIAMENT.

ARRANGED IN ORDER OF THEIR DURATION.

* The ACTS having this mark, are continued to the Date set against them, and to the End of the then next Session.

† The ACTS having this mark, are continued to the Date set against them, and to the End of the then Session.

No.	*Matter.*	*Date of last continuing Act.*	*Duration.*
36	Insurance on Lives (Abatement of Income Tax)	19, 20 Vict. c. 33 -	5 July - - 1857
33	Railways Act (Ireland) 1851 - - -	19, 20 Vict. c. 72 -	29 July - - 1857*
34	Episcopal and Capitular Estates Management	19, 20 Vict. c. 74 -	29 July - - 1857
40	Public Health - - - - - -	19, 20 Vict. c. 85 -	29 July - - 1857*
51	Turnpike Acts (Ireland) - - - -	19, 20 Vict. c. 71 -	31 July - - 1857*
32	Copyhold Inclosure and Tithe Commissions -	20 Vict. c. 8 - -	1 August - 1857*
22	Ecclesiastical Jurisdiction - - - -	20 Vict. c. 10 - -	1 August - 1857*
26	Sheep and Cattle (Diseased) - - -	19, 20 Vict. c. 101 -	1 August - 1857*
44	Treasurers of Counties (Ireland) - -	18, 19 Vict. c. 74 -	1 August - 1857*
39	Spirits (Ireland) - - - - -	17, 18 Vict. c. 89 -	10 August - 1857
41	Corrupt Practices Prevention Act, 1854 -	19, 20 Vict. c. 84 -	10 August - 1857*
53	Militia Pay (G. B. & I.) - - - -	19, 20 Vict. c. 90 -	1 September 1857
37	Charitable Trusts Act, 1853 - - -	19, 20 Vict. c. 76 -	1 September 1857
50	Militia Ballot Suspension - - - -	19, 20 Vict. c. 52 -	1 October - 1857
49	Turnpike Acts (G. B.) - - - -	19, 20 Vict. c. 49 -	1 October - 1857* 1 November 1857
38	Oxford University - - - - -	17, 18 Vict. c. 81 -	1 January - 1858
28	Savings Banks (Ireland) - - - -	17, 18 Vict. c. 50 -	1 January - 1858*
43	Army Service Act Amendment - - -	18, 19 Vict. c. 4 -	27 February - 1858
54	Indemnity - - - - - - -	20 Vict. c. 7 - -	25 March - 1858†
48	Mutiny - - - - - - - -	20 Vict. c. 13 - -	25 April - - 1858
47	Mutiny (Marine Forces) - - - -	20 Vict. c. 14 - -	
24	Crime and Outrage (Ireland) - - -	19, 20 Vict. c. 36 -	1 July - - 1858
30	Incumbered Estates (Ireland) - - -	19, 20 Vict. c. 67 -	28 July - - 1858 15 August - 1857*
25	Naval Medical Supplemental Fund Society -	11, 12 Vict. c. 58 -	14 August - 1858*

CLASS I.—TEMPORARY LAWS THE DURATION OF WHICH IS CERTAIN, &c.—*continued.*

No.	*Matter.*	*Date of last continuing Act.*	*Duration.*
29	Poor Law Union Charges - - - -	20 Vict. c. 18 - -	30 September 1858*
52	Cambridge University - - - -	19, 20 Vict. c. 88 -	1 January - 1859
23	Poor Law - - - - - - - -	17, 18 Vict. c. 41 -	23 July - - 1859*
21	Poor Laws (Ireland) - - - - -	17, 18 Vict. c. 63 -	
9	Linen, Hempen, &c. Manufactures (Ireland) -	17, 18 Vict. c. 46 -	24 July - - 1859
13	Poor's Rate Stock in Trade Exemption -	19, 20 Vict. c. 42 -	1 October - 1859*
35	Income Tax - - - - - - -	16, 17 Vict. c. 34 -	6 April - - 1860
		20 Vict. c. 6 - -	5 April - - 1858
31	Alterations in Pleadings - - - -	18, 19 Vict. c. 26 -	25 May - - 1860
16	Lunatic Asylums (Ireland) - - - -	18, 19 Vict. c. 76 -	1 August - 1860*
46	Union of Contiguous Benefices - - -	18, 19 Vict. c. 127 -	14 August - 1860
45	Coal Mines Inspection - - - -	18, 19 Vict. c. 108 -	14 August - 1860*
15	Highway Rates (England) - - - -	17, 18 Vict. c. 52 -	1 October - 1860*
11	Prisons (Scotland) - - - - -	7, 8 Vict. c. 34 -	1 January - 1861*
12	Oaths, Unlawful (Ireland) - - - -	19, 20 Vict. c. 78 -	29 July - - 1861*
14	Survey of Great Britain - - - -	19, 20 Vict. c. 61 -	31 December 1861
5	Coal Trade (Port of London) - - -	8, 9 Vict. c. 101 -	5 July - - 1862
4	Highland Roads and Bridges - - -	3, 4 Will. 4, c. 33 -	24 July - - 1864*

N.B.—By 48 Geo. 3, c. 106, if a Bill is introduced for the continuance of any Act which would expire in the same Session, and such Act shall expire before the Bill for continuing the same receives the Royal Assent, the continuing Act takes effect from the expiration of the former Act, but not so as to affect any person with any penalty in the interval.

Class II.

TEMPORARY LAWS

THE DURATION OF WHICH IS UNCERTAIN.

ARRANGED IN ALPHABETICAL ORDER.

No.	*Name.*	*Date of last continuing Act.*	*Duration.*
17	Apprehension of Offenders (France.)	6, 7 Vict. c. 75 - -	- - Continuance of Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders.
18	Apprehension of Offenders (America.)	6, 7 Vict. c. 76 - -	- - Continuance of the Tenth Article of a Treaty between Her Majesty and the United States of America, for the Apprehension of certain Offenders.
29	Apprehension of Deserters (Portugal).	12, 13 Vict. c. 25 -	Continuance of Treaty.
1	Bank of England Incorporation.	19, 20 Vict. c. 21 -	- - Till Payment of Sums due to the Bank, and Redemption of all Bank Annuities created by Parliament.
8	Bank of England Privileges.	3, 4 Will. 4, c. 98 -	- - Determinable on 12 Months' Notice after 1st August 1855, and on Repayment of Debt due from the Public to Bank.
2	Bank of Ireland -	8, 9 Vict. c. 37 - -	- - May be dissolved after 1 January 1855 on 12 Months' Notice, and Repayment of Debt due from the Public to the Bank.
10	Civil List - - -	1, 2 Vict. c. 2 - -	Six Months after the Death of Her Majesty.
20	Cornwall Duchy -	7, 8 Vict. c. 65 - -	Minority of Prince of Wales.
19	Courts Martial (East Indies.)	7, 8 Vict. c. 18 - -	- - During the continuance of any Act for punishing Mutiny and Desertion, &c.
7	East India Company's Dividend.	3, 4 Will. 4, c. 85 -	- - Dividend subject to redemption by Parliament (on 12 Months' Notice) upon or at any time after 20th April 1874. As to right to demand redemption of Dividend, *see* No. 7 of Register.
3	Foreign Trade - -	59 Geo. 3, c. 54 - -	- - Duration of Treaty with any Foreign Power containing reciprocity provision.
42	Incumbered Estates (West Indies.)	17, 18 Vict. c. 117 -	- - Six years from date of Act taking effect, and until the next Session. *See* Note on No. 42 of Register.
6	West Indies Relief -	11, 12 Vict. c. 38 -	- - Until the Loan of £.995,000 under the Act shall have been advanced, or the Commissioners of Her Majesty's Treasury shall sooner determine.

I N D E X

TO

LAWS which were inserted in the Register of Temporary Laws then in force in the last REPORT of the COMMITTEE on EXPIRING LAWS

(4 April 1856),

But which are now omitted.

Subject.	*No. in Register 1856.*	*Reason for Omission.*
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Assessed Taxes (Great Britain)	4	- - - Expired.
Loan Societies - - -	16	- - - Expired.
Coalwhippers (Port of London)	37	- - - Expired.
Manning the Navy - -	42	- - - Expired.
Enlistment of Foreigners -	49	- - - Expired.

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OF THE SUBJECT-MATTER OF THE ACTS CONTAINED IN THIS REPORT.

The * signifies that the Act relates *exclusively* to Ireland.

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REPORT

FROM THE

COMMITTEE

UPON

EXPIRING LAWS.

Ordered, by The House of Commons, *to be Printed,*
2 *July* 1857.

153—Sess. 2.

Under 3 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON THE

LAND TRANSPORT CORPS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
10 *July* 1857.

172—Sess. 2.

Martis, 9° die Junii, 1857.

Ordered, THAT a Select Committee be appointed to examine into the Allegations contained in the Petition of the Members of the Land Transport Corps, presented on the 12th day of May last, complaining that the War Department had not fulfilled the Conditions under which they enlisted.

Lunæ, 15° die Junii, 1857.

Committee nominated of—

Mr. Thomas Duncombe.	Sir John Trollope.
Sir John Ramsden.	Mr. Baxter.
Lord Adolphus Vane Tempest.	Mr. Solicitor-General.
General Codrington.	Colonel Pennant.
Mr. Roebuck.	

Ordered, THAT Three be the Quorum of the Committee.

Mercurii, 17° die Junii, 1857.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Parliamentary Paper 98, 1857, "A Copy of any Order or Instruction issued by the War Department, during the past year, for the Disbandment of the Land Transport Corps," referred.

Veneris, 10° die Julii, 1857.

Ordered, THAT the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to examine into the Allegations contained in the PETITION of the Members of the LAND TRANSPORT CORPS, presented on the 12th day of May last, complaining that the War Department had not fulfilled the Conditions under which they enlisted; and who were empowered to Report their Observations thereupon, together with the Minutes of Evidence taken before them, to The House;——HAVE examined the Matters to them referred, and have agreed to the following REPORT:—

YOUR COMMITTEE are of opinion that the Land Transport Corps from the moment of its formation became a part of Her Majesty's regular Land Forces, and that the discharge of the Corps immediately on its return from the Crimea was not in violation of the terms of its Enlistment.

But Your Committee are of opinion that the mode of discharging the Men was, with few exceptions, not in accordance with the usual Rules and Regulations of the Service.

Your Committee regret that the above Regulations of the Service were not strictly observed, notwithstanding any delay in disbanding the Corps that the adherence thereto might have occasioned, as, had this been done, all outstanding claims for back pay and compensation for "Free Clothing and Rations," to which the Land Transport Corps were by the terms of Enlistment entitled, must have been investigated and adjudicated upon prior to each man receiving his parchment discharge, and from the want of which causing a difficulty in obtaining permanent employment, distress has in some instances arisen. But whilst expressing their regret at the omission of Regimental Boards as prescribed by the Regulations, and at the substitution of paper for parchment discharges, Your Committee consider it right to state that the men had no length of service to record which would entitle them to pensions, which is one of the objects of holding Regimental Boards of Discharge [*see* 146 Articles of War].

Your Committee, however, find that the Government did notify to the men their readiness to investigate all claims, and to settle them when proved; that this inquiry was accordingly instituted, and still continues. Your Committee cannot quit this subject without recalling to the recollection of The House that a time may come when the services of our artisans may be again needed for the support and furtherance of the most important interests of our common country, and that it will depend upon the opinion entertained by the working classes as to the justice of the Government towards them, whether those services can be obtained; they would therefore suggest that all the unsettled demands made by the Land Transport Corps, and the various classes of artificers engaged during the late war, should be carefully and justly examined by the Departments which employed them; that no niggard, narrow spirit should preside over the examination, and that claims justly made should in all cases be frankly acknowledged and generously discharged.

Jovis, 25° die Junii, 1857.

MEMBERS PRESENT:

Mr. DUNCOMBE, in the Chair.

General Codrington.	Mr. Baxter.
Sir John Ramsden.	Lord A. V. Tempest.
Sir John Trollope.	The Solicitor-General.
Colonel Pennant.	

George Richard Glenie, Colonel *Montague M'Murdo*, Lieutenant-colonel *William E. Evans*, Captain *Thomas Vokes, James Forbes, John Brown*, and Major *Sherrington*, examined.

[Adjourned to Monday, at Two o'clock.

Lunæ, 29° die Junii, 1857.

MEMBERS PRESENT:

Mr. DUNCOMBE, in the Chair.

General Codrington.	Sir John Ramsden.
Mr. Solicitor-General.	Mr. Roebuck.
Colonel Pennant.	Lord A. V. Tempest.

Julian Dherman, Captain *C. P. Williams, John Huchins*, Captain *Vokes, James Thomas Sullivan*, and Adjutant-general Sir *George Augustus Wetherall*, examined.

The committee-room was cleared.

[Adjourned to Monday next, at Half-past One o'clock.

Lunæ, 6° die Julii, 1857.

MEMBERS PRESENT:

Mr. DUNCOMBE, in the Chair.

Sir John Trollope.	General Codrington.
Mr. Baxter.	Lord Adolphus V. Tempest.
Sir J. Ramsden.	Mr. Solicitor-General.
Colonel Pennant.	

Report, as proposed by the Chairman, read as follows:

"1. YOUR Committee are of opinion that the Land Transport Corps, from the moment of its formation, became a part of Her Majesty's regular land forces, and that the discharge of the corps immediately on its return from the Crimea was not in violation of the terms of its enlistment.

"2. But Your Committee are of opinion that the mode of discharging the men was, with few exceptions, not in accordance with the usual rules and regulations of the service.

"3. Your Committee are also of opinion that the substitution of a rejected recruit's printed 'protection paper,' with erasures to suit altered circumstances, for a parchment discharge, was also in violation of the service.

"4. Your Committee, therefore, cannot help expressing their regret that the above salutary regulations of the service were not strictly observed, notwithstanding any delay in disbanding the corps that the adherence thereto might have occasioned, as had this been done, all outstanding claims for back pay, and compensation for 'free clothing and rations,' to which the Land Transport Corps were by the terms of enlistment, specially entitled, must have been investigated and adjudicated upon prior to each man receiving his parchment discharge, and for the want of which distress, from the difficulty of obtaining permanent employment, has in some instances arisen.

"5. With

"5. With regard to the complaint, that the faithful services of this corps were unnecessarily superseded by raising a similar force, under the title of 'a Military Train,' Your Committee are of opinion, that a sufficient number of men, inured by service during the late war, might have been found in the ranks of the Land Transport Corps to complete the small number required for the formation of the said 'Military Train.'

"6. Your Committee therefore beg to recommend, with a view of facilitating the future reinforcement and recruiting of the army, as well as of putting an end to those invidious comparisons which are continually drawn between the harsh treatment of this corps and the favour shown to foreign legions who never reached the seat of war, that means may, without loss of time, be devised to redress as far as possible the wrongs which to a certain extent have, in the opinion of Your Committee, been established by the inquiry."

Report, as proposed by Sir John Ramsden, read as follows:

"1. Your Committee find that the conditions under which the men of the Land Transport Corps were enlisted have been fulfilled as regards the time of discharge, and that there is no foundation for the complaint brought forward in the evidence that the men were led to believe their enlistment to be for a term of five years certain.

"2. That the men were not entitled to any gratuity on discharge.

"3. That the men were discharged with paper certificates in lieu of the usual parchment discharges, and without holding Regimental Boards, on the ground, that having no service to record which would entitle them to pension, there was no necessity for holding such Boards previous to their discharge, the main object of Regimental Boards in such cases being, according to the Mutiny Act, 'to secure to the deserving soldier when discharged a provision proportioned to the length and nature of his services, and to enable the Commissioners of Chelsea Hospital to carry into full effect the Rules and Regulations for the Pensioning of Soldiers.'

"4. Whilst, therefore, your Committee do not find that, in adopting this mode of putting an end to the contract between the men and the Government, the authorities were actuated by any desire to deprive the men of a settlement of their claims, they, nevertheless, regret the omission, upon this occasion, of the Regimental Boards of Inquiry, as had they been held, the dissatisfaction which has since arisen from the delay in the settlement of a portion of the claims might have been obviated.

"5. But while expressing their regret at the omission of the Regimental Boards, your Committee consider it right to state, that when so many thousand men were to be discharged, the holding of these boards would have occupied a long space of time, during which it would have been necessary to retain the men in Her Majesty's service without employment, thereby causing a great expense to the public purse, as well as needlessly abstracting a large number of hands from the labour market.

"6. Your Committee find that owing to the anxiety of the authorities, for these reasons, to discharge the men of the Land Transport Corps, in several cases no complete settlement of claims was made previous to discharge.

"7. Your Committee, however, find that the Government did notify to the men their readiness to investigate all claims, and to settle them when proved; that this inquiry was accordingly instituted, and has been continued by the military authorities to the present time, nor is there any evidence to them that any *bonâ fide* claims, properly made, have been unattended to.

"8. Your Committee recommend that this system of investigation should be persisted in, and that another public notification, in addition to those previously made, should be issued, and circulated as widely as possible, stating to whom, and to what place, claims should be sent in for investigation, and fixing a limit of time within which all such claims must be made.

"9. That this limit should be,

"10. That each man who has been discharged with a protecting certificate should, provided he apply within the limit of time above specified, have a parchment discharge substituted for that document, as by its durability of material, and the record of service endorsed upon it, the parchment discharge may enable the bearer to show more clearly the final settlement of his claims, and the character he bore in the corps."

Motion made, "That the Report, as proposed by the Chairman, be now read a second time paragraph by paragraph." (*Sir J. Trollope.*)—Question put. The Committee divided:

Ayes, 4.	Noes, 3.
Sir J. Trollope.	General Codrington.
Mr. Baxter.	The Solicitor-General.
Lord A. V. Tempest.	Sir J. Ramsden.
Colonel Pennant.	

So it was resolved in the affirmative.

Paragraph 1, read and agreed to.

Paragraph 2, read and agreed to.

Paragraph 3 read.

Amendment proposed, to leave out all the words from the first words "Your Committee," to the end of the paragraph, for the purpose of inserting the words "whilst expressing their regret at the omission of Regimental Boards, as prescribed by the Regulations, and the substitution of paper for parchment discharges, consider it right to state that the men had no length of service to record which would entitle them to pensions, and that when so many thousand men were to be discharged, the holding of these Boards would have occupied a long space of time, during which it would have been necessary to retain the men in Her Majesty's service without employment, thereby causing a great expense to the public purse," instead thereof. (*The Solicitor-General.*)—Question, "That the words proposed to be left out stand part of the question," put, and negatived.

Amendment again read.

[Adjourned to Wednesday, at Half-past One o'clock.

Mercurii, 8° die Julii, 1857.

MEMBERS PRESENT:

Mr. DUNCOMBE, in the Chair.

Mr. Baxter.	General Codrington.
Sir J. Trollope.	Mr. Roebuck.
Colonel Pennant.	Lord Adolphus V. Tempest.
Sir John Ramsden.	

Amendment proposed by the Solicitor-General, to paragraph 3, again read, and by leave withdrawn.

Paragraph 4 read, and amended.

Motion made, at the end of the paragraph, to add the words, "But whilst expressing their regret at the omission of Regimental Boards as prescribed by the regulations, and at the substitution of paper for parchment discharges, Your Committee consider it right to state that the men had no length of service to record which would entitle them to pensions, which is one of the objects of holding Regimental Boards of Discharge [*see* 146, Articles of War]." (*General Codrington.*)—Question, "That those words be there added," put, and agreed to.

Paragraph 4, so amended, agreed to.

Paragraph 5 read, and negatived.

Paragraph 6 read. Question, "That the paragraph stand part of the Report," put. The Committee divided:

Ayes, 1.	Noes, 7.
Mr. Roebuck.	General Codrington.
	Sir J Trollope.
	Mr. Baxter.
	Lord A. V. Tempest.
	The Solicitor-General.
	Colonel Pennant.
	Sir John Ramsden.

So it passed in the negative.

Motion made:

"Your Committee, however, find that the Government did notify to the men their readiness to investigate all claims, and to settle them when proved; that this inquiry was accordingly instituted, and still continues.

"Your Committee cannot quit this subject without recalling to the recollection of The House, that a time may come when the services of our artizans may be again needed for the support and furtherance of the most important interests of our common country, and that it will depend upon the opinion entertained by the working classes, as to the justice of the Government towards them, whether those services can be obtained. They would therefore suggest, that all the unsettled demands made by the Land Transport Corps, and the various classes of artificers engaged during the late war, should be carefully and justly examined by the departments which employed them; that no niggard, narrow spirit should preside over the examination, and that claims justly made should in all cases be frankly acknowledged and generously discharged." (Mr. *Roebuck.*)—Question put, and agreed to.

Motion

Motion made, after paragraph 3, to insert the words: "The Committee recommend that the usual parchment discharge should, on application, be substituted for the protecting certificate." (General *Codrington.*)—Question put, and agreed to.

Motion made: "Your Committee feel it their duty to call attention to the want of unity and combination that appears to have characterised the relations of the Secretary of State for War with the Commander-in-Chief, with reference to the formation of the Land Transport Corps." (Lord *Adolphus Vane Tempest.*)—Question put. The Committee divided:

Ayes, 5.	Noes, 2.
General Codrington.	The Solicitor-General.
Sir J. Trollope.	Sir J. Ramsden.
Lord A. V. Tempest.	
Mr. Roebuck.	
Colonel Pennant.	

So it was resolved in the affirmative.

Motion made: "Your Committee beg to call attention to the fact, that it appears from the evidence of Sir George Wetherall, Adjutant-general (Question 2411), that during the time the army was in the Crimea, the Land Transport Corps was not generally under the orders of the Commander-in-Chief in England; and Your Committee wish to call attention to the contradiction existing on this subject, as shown in answers to Questions 2416 and 2466, and as shown by the evidence of the Adjutant-general generally." (Lord *Adolphus Vane Tempest.*)—Question put. The Committee divided:

Ayes, 5.	Noes, 2.
General Codrington.	Mr. Solicitor-General.
Sir J. Trollope.	Sir J. Ramsden.
Lord A. V. Tempest.	
Mr. Roebuck.	
Colonel Pennant.	

was resolved in the affirmative.

Motion made: "Your Committee beg to observe, such a state of things could not be otherwise than detrimental to the public service." (Lord *Adolphus Vane Tempest.*)—Question put. The Committee divided:

Ayes, 5.	Noes, 2.
General Codrington.	Mr. Solicitor-General.
Sir J. Trollope.	Sir John Ramsden.
Lord A. V. Tempest.	
Mr. Roebuck.	
Colonel Pennant.	

So it was resolved in the affirmative.

[Ordered to Report.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	FROM WHENCE SUMMONED.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expense allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Henry Warden - -	Accountant - -	Norwich - - -	2	2 - 6	2 2 -	6 3 -
		Second journey -	- -	2 - 6		
James O'Neil - -	Commercial traveller	Swansea - - -	6	2 15 -	3 - -	5 15 -
Julian Dherman -	East India Service, serjeant.	Brentwood - -	2	- 10 -	- 14 -	1 4 -
					£.	13 2 -

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Lunæ, 22° *die Junii*, 1857.

MEMBERS PRESENT.

Sir John Ramsden.	The Solicitor-General.
Colonel Pennant.	Lord Adolphus Vane Tempest.
General Codrington.	Mr. Baxter.
Mr. Duncombe.	Sir John Trollope.

THOMAS DUNCOMBE, Esq. IN THE CHAIR.

William Austin, called in; and Examined.

William Austin.

22 June 1857.

1. *Chairman.*] WERE you a member of the Land Transport Corps?—I was.

2. In what capacity were you?—I was quartermaster sergeant when I was dismissed.

3. Were you the former secretary to a committee that was formed of the corps for the purpose of having their grievances redressed, with respect to which a complaint was made to the Secretary of State and the Horse Guards?—Yes; I wrote a memorial to Capt. Vokes, and he said he would present it to Lord Panmure, but instead of that he only sent it to Col. M'Murdo.

4. Will you read the memorial which you sent?—"Central Committee Office, Eight Bells Tavern, St. Luke's, 8th September 1856. My Lord,—We, the non-commissioned officers of the Land Transport Corps, lately returned from the Crimea, respectfully solicit your Lordship's kind attention to the following statement: 1st. That at the time of formation of the Land Transport Corps our clothing and rations were to be free, which has not been the case. Several hundreds were sent to the East without tunics and other clothing, boots, &c., for which we sincerely hope your Lordship will allow us compensation, for we have been at great expense to provide ourselves with the articles we ought to have been provided with by the Government.—2d. That a proper and legal discharge, with the man's character upon it, be given to the non-commissioned officers and men; for many are now suffering extreme hardship on account of not being able to obtain employment; no respectable person will employ the poor men without.—3d. That your Lordship will please to take into your kind consideration that we are discharged without a gratuity, except the Queen's bounty of 20*s.*, while the Foreign Legion, Army Works Corps, and the Turkish Contingent have been fairly dealt with. We sincerely hope your Lordship will recommend us for the following gratuity, namely: three months' pay according to the class and rank we held on the day of our discharge. Hoping your Lordship will think with the committee that our claims are just and legal, as in duty bound, we have the honour to be, your Lordship's very obedient and humble servants."

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5. Now will you read Colonel M'Murdo's reply to that?—"Having had before me a letter which has been forwarded to me for transmission to Lord Panmure, signed by certain non-commissioned officers recently discharged from the Land Transport Corps, on the part of the body styling themselves the 'Central Committee', I have given the three points of complaint therein contained my best consideration: 1st. The terms of enlistment into the Land Transport Corps were (as stated in the letter) 'rations and clothing free.' If any man has been charged for his rations for a single day, let him inform me, and the error shall be instantly rectified; but no such complaint has reached me. With regard to clothing, the men have a clear title to compensation, and they shall have it; it has never been denied to them. But will any reflecting man consider the circumstances under which this corps of 8,000 were raised, organised, served in a war 3,000 miles from home, and were discharged again, all within 15 months, and tell me whether it was within human possibility to prevent certain claims accruing on account of a want of supply of uniforms to some, and arrears of pay to others? It should be recollected that though the Land Transport Corps was raised in England, it was organised in the Crimea, in the midst of constant work in the presence of the enemy. The men were sent out in bulk, as the merchants say, with one set of accounts for all; and they were no sooner landed, than they were not only dispersed to battalions, occupying (from Balaklava round by the camp of the 10th battalion to the 3d division, and from that again to Kamara) about 25 square miles, but they were also sent away on detachments to Kertch, Eupatoria, Sinope, Balchick, Samsoon, Trebizond, Scutari, and Ismid: aye, a party of the corps have actually traversed Asia Minor, from Samsoon on the Black Sea to Aleppo and Alexandretta on the Levant, which no other portion of a European army has done, I believe, since the days of Xenophon and his 10,000 Greeks. The first thing required was to get England's work done; and the next to rearrange the accounts of the men thus of necessity dispersed. The non-commissioned officers, and men of the Land Transport Corps have done the former right well, and their officers, who have also had their share of their work, are now assembled at Horfield, closely employed upon the last most important duty, and I call attention to the placard I have published on the subject. 2nd. With regard to the discharge certificates furnished to the non-commissioned officers and men of this corps, I have been informed that the document directed to be used on this occasion is termed a 'protecting certificate,' and is a valid document, and I have given orders, that any man who desires to have a character from his former officer may have it recorded upon the back of this certificate.—3rd. A claim for three months' gratuity has already been made to me, and I forwarded it for the consideration of the Secretary for War; and I was informed in reply that Lord Panmure 'has already had before him the question of granting this indulgence to the Land Transport Corps, and he decided, and is still of opinion, that no ground existed for so doing,' and I must say that I entirely concur in his Lordship's views of the case, although I did forward the application in behalf of the corps. No people know better than Englishmen the meaning and value of a bargain, and I only desire those who have preferred this claim to read over the terms of their enlistment, and if they there find any reference whatever to three months' gratuity on discharge, I will be content to forfeit my commission and become chairman of the 'Central Committee' myself. Men should not forget the parable of the labourers in the vineyard; those who have agreed for a penny have no right to seek more because others get it. The Turkish Contingent and the Foreign Legions are irregular corps, and are doubtless made exceptional cases of on that account; but the Land Transport Corps is a part of Her Majesty's regular forces; and as such have to be dealt with by the same rules and regulations as are applied to other soldiers of her army. *M. M'Murdo,* Director-general.—London, 12th September 1856. I am most anxious to have justice done to the men who have served their country under my command; and am ready and willing, at all times, to listen to and redress real grievances; I therefore invite those men who have them to communicate their claims to me freely; and it will be my care to have them duly investigated and settled.—*M. M'Murdo.*"

6. The *Solicitor-General.*] To whom is that addressed?—To the Central Committee.

7. Colonel *Pennant.*] Is it an official letter?—Yes.

8. Is

8. Is it not satisfactory to you?—Yes.

9. *Chairman.*] It states that if the men make applications their claims shall be immediately settled?—Yes.

10. Has that been fulfilled?—No.

11. Is there anything due to yourself?—Yes; three months' clothing is due to me.

12. Have you made any claim for it to Colonel M'Murdo?—I wrote to him, and I was ordered to apply to Mr. Reeve for my compensation; and from the date of my enlistment down to the 28th of last May I never had but one kit and one pair of trousers, and I was obliged to be at the expense of buying them.

13. What have you to complain of as to the non-fulfilment of the conditions of your enlistment?—I enlisted upon the understanding that I was to serve for five years, and I left a good situation for the purpose. On the first day of my application I was sent back for my character. I went back to Mr. Arthur Bolding, and I received a five years' character; and I then told the gentleman that I was a married man, and he said that every married man's wife should have part of his money. But notwithstanding that, my family have had to apply to the Clerkenwell police court for assistance; and my wife received 10*s.* from the poor box.

14. The *Solicitor-General.*] Who was the officer you communicated with?—Major Mayne.

15. At the time when you say you were given to understand that you were to be enlisted for five years, had you seen the Royal Warrant?—Yes.

16. Mr. *Baxter.*] Was that complaint stated in the memorial to the War Office?—No.

17. Did you make any complaint?—No.

18. But you are aware that a complaint has been made, and a petition was afterwards presented?—Yes.

19. Then that was done upon second thoughts?—No; in the first petition we applied for it.

20. But not in the memorial to the War Office?—No.

21. Lord *A. V. Tempest.*] What was the ground of your complaint?—The ground of complaint was being discharged before the time.

22. *Chairman.*] What led you to suppose that the Queen could not discharge you till the five years had expired, supposing you had thought proper to remain in the corps?—When I enlisted I refused to be sworn in for ten years.

23. Before whom was this?—It was before the magistrate, and there were a great many others who refused to be sworn in for ten years.

24. Why did you refuse to be sworn for the ten years?—Because they told us on the enlistment paper it was only to be for five years, and the magistrate gave me a warrant, stating you can get your discharge at the end of five years; and the magistrate said to me, "The Government will keep you for five years."

25. Do you mean the Government must keep you if you thought proper to stop?—That was our understanding.

26. Mr. *Baxter.*] Why did you not complain of that in your memorial to the War Office, and in that letter to which Colonel M'Murdo's is a reply?—I don't know the reason.

27. You say that your chief ground of complaint is now, though in your first memorial to the War Office you never mentioned it at all, that you were illegally discharged?—In the first meeting; we have had a great many meetings, and the grounds of complaint of these men have been actually refused to be listened to. I think I know more of these poor men's sufferings than any other man. I showed the gentlemen my paper, and they laughed at it. The only thing that these poor men seemed principally to grieve about was this, that they had not a legal discharge.

28. The *Solicitor-General.*] With reference to that, I see Colonel M'Murdo makes a distinct promise with regard to the discharge certificate: "I have been informed that the document directed to be used on this occasion is termed a 'protecting certificate,' and is a valid document, and I have given orders that any man who desires to have a character from his former officer may have it recorded upon the back of his certificate;" did you ever apply for such a character?—No, because it would have been useless, inasmuch as the instrument was not legal.

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29. Is that the reason you did not apply?—Yes.

30. Colonel *Pennant.*] Had you the attestation read over to you when you enlisted?—No.

31. Did you sign it?—I did.

32. In what way was it filled up?—In the usual way.

33. That you were willing to serve for ten years, provided Her Majesty should so long require your services; and also for such further term, not exceeding two years, as should be directed by the commanding officer on any foreign station?—Yes.

34. Sir *John Ramsden.*] What time did you arrive in England from the Crimea?—At the latter end of last May twelvemonth.

35. Where did you land?—At Portsmouth.

36. When was it first told you that you would be discharged if you applied?—I was not told that at all; I went over to Horfield barracks.

37. When you arrived at Portsmouth, were you directly sent on to Horfield?—No; I was kept in the Clarence barracks without the permission of going out, and from there I was sent to Bristol.

38. Who was the officer commanding at Portsmouth at that time?—Lieutenant Brooks.

39. Who was the officer in command of the corps when you arrived; after your arrival was not Captain Voiche down there?—No; I think it was afterwards, when I went to Bristol.

40. Was any mention made to you of your discharge when you went to Portsmouth?—No; I was sent to the depôt at Horfield barracks.

41. Where were you told that you might apply for your discharge?—I was then at Horfield, and Major Mayne sent for me into the Orderly-room, and said, "Austin, you will be too short for your military train, therefore I will send to you the discharge." I went home on furlough for three weeks, and returned to head-quarters again, and stopped there a fortnight, and then I received my protection paper and a sovereign, and I went to London.

42. Did you object to receiving it at the time?—I did; I would not sign the paper, and I refused the discharge, and you will see it is erased out at the back. I saw Mr. Gurling.

43. Who was Mr. Gurling?—He was the clerk of the orderly room.

44. Colonel *Pennant.*] Who was in command when you were discharged?—Major Mayne and Captain Wood.

45. Was he present when you were discharged?—No.

46. Did he sign that paper?—It is signed by Major Mayne in the first instance.

47. *Chairman.*] That is a paper given to the Land Transport Corps when they are rejected, is it not?—Yes.

48. Do you know of any instance before this of any soldier receiving a paper of that sort?—No, I do not.

49. Did you ever apply for a parchment discharge?—I did.

50. Have you in consequence of not having that parchment discharge been refused employment?—No, I have not.

51. Has anybody else?—Yes; there are plenty of men in waiting who have.

52. Have you got employment now?—I have, a little.

53. Mr. *Baxter.*] Have any of your comrades applied for clothing which has not been given to them by the War Office?—I went up to Paymaster Reeve, and he paid me 17 *s.* 9 *d.*, and I said something about the date the promotion was in, and he said, "You are entitled to three months more," and then he paid me for April, May, and June, and those three months, from the 1st of January, are owing to me.

54. *Chairman.*] What is the amount of your claim from the Government?—Only three months' compensation for clothing.

55. Have you any pay now due to you?—No.

56. Lord *A. V. Tempest.*] What should you put your claim at?—Seventeen and ninepence Mr. Reeve paid me.

57. Mr. *Baxter.*] Are you satisfied with that?—Yes.

58. Colonel *Pennant.*] Did you receive free rations?—The whole of the rations were given to us; with respect to the clothing, the only clothing we received was a tunic,

a tunic, a pair of boots, and a pair of trousers. The whole of the other things, amounting to 3*l.* 18*s.*, they spent for necessaries.

59. Mr. *Baxter.*] You have only two grounds of complaint; the first is your terms of enlistment not having been fulfilled; and, secondly, having been illegally discharged?—Yes.

60. Colonel *Pennant.*] Do you contest Her Majesty's authority to discharge you from Her service?—We naturally expected we should be in service for the term of five years.

61. *Chairman.*] Would you have enlisted yourself if you had not understood that your term for enlistment was for five years?—Certainly not.

62. Colonel *Pennant.*] Who did you understand that from?—I cannot exactly say.

63. Lord *A. V. Tempest.*] Your paper refers to the Royal Warrant, does it not?—Yes.

64. What did you interpret from the Royal Warrant?—That we should be in service for five years, and that we could not claim our discharge under five years.

65. Did you not interpret from that warrant, that the Queen could discharge you before five years?—No.

66. Sir *William Codrington.*] Do you recollect those words: "Are you willing to be attested to serve in the regiment for such a term of years, provided Her Majesty should so long require your services"?—That is the very ground we refused to be sworn on.

67. Were you aware that those words were there?—Yes, I believe the magistrate did say the Queen would keep us for five years certain, but a great many men refused to be sworn in for ten years; but the magistrate told them that the warrant, which was a warrant to enlist, was one on which he could not swear them in for five years, and they must be sworn in for ten years; and, consequently, he gave us the warrant by which we could claim our discharge at the end of five years.

68. Col. *Pennant.*] Was it stated to you that you had a right to be discharged, because your ground of complaint is that you were discharged against your will?—Yes; our complaint is that we have not served for five years.

69. Sir *William Codrington.*] Where do you consider the term is, that the Queen is bound to retain your services for five years, if she does not want you, because it is not in these words; and then I ask you whether this was not read to you by the justice in these very words: "Are you willing to be enlisted for such a term, provided Her Majesty shall so long require your services"?—Yes, that was read.

70. Did you sign that?—Yes.

71. Lord *A. V. Tempest.*] I understood you to say that your chief complaint was not getting the parchment discharge?—Yes; we think we have a right to a legal discharge.

72. Is that your principal ground of complaint?—Yes, that is the principal ground of complaint.

73. The *Solicitor-general.*] Now, with reference to the point that you have never applied for a character to be put on the back of that paper in the terms of Col. M'Murdo's memorandum, you say it was because it was not a legal document?—Yes.

74. What is the use of a character on the back of a piece of parchment, except to enable you to get employment from somebody who would look upon this as a voucher that you bear a good character; that is the object of it, is it not?—Yes, certainly.

75. How is it better because it happens to be on a piece of paper instead of a piece of parchment?—We have been told it is not legal.

76. You say you have not applied to have your character put on the back of this document because it would not be a legal document; now the only object of a character is to enable you to show it to some person who wishes to employ you, and it is a voucher for your having a good character while you served, is it not?—Exactly.

77. What I want to know is, would not that object be equally well accomplished by your having a character entered on the back of a piece of paper as if it were on the back of a piece of parchment?—Possibly it might.

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78. Mr. *Baxter.*] Why do you not take the paper?—Because I should have had to send it to Horfield Barracks.

79. Have you yourself never experienced any inconvenience from the want of it?—No.

80. *Chairman.*] Did any regimental Board sit upon the case about a right to the protection paper?—No; we merely went to the paymaster, Reeve.

81. You say that a regimental Board ought to have sat upon that case, and to have handed you a parchment discharge?—Decidedly so.

82. Have you now got your parchment discharge?—No.

83. And no regimental Board has ever sat for the purpose of investigating your claim?—No.

84. Mr. *Baxter.*] Did you ever apply for a parchment discharge?—I asked for one because I was told it was a legal document.

85. Sir *William Codrington.*] There is no character stated on the back of the protection paper whatever, and that was your chief requirement, was it not?—Yes.

86. *Chairman.*] As you were secretary for the Land Transport Committee, of course you must know a great number of men who have complaints to make?—Yes.

87. It has been stated by the secretary, Mr. Frederick Peel, "It was quite true, owing to the hurried manner in which the corps was raised, that the men were not furnished with clothing at the moment of their enlistment, and undoubtedly, according to the usual practice, they were entitled to compensation. A great number of such claims did exist, but he had been assured by Colonel M'Murdo, that with the exception of a few cases which were daily being adjusted, the whole of these claims had been settled." Is it true that the whole of these claims had been settled with the exception of a very few?—No; several of the men complain of it now.

88. And many of the claims do remain to this day unsettled?—Yes; many have arrears and ship money owing to them.

89. Mr. *Baxter.*] What do you say with reference to the clothing?—A great many have been charged too high; they have been charged 27*s.* for a pair of trousers; some of them were of one colour and some of another, and they charged most exorbitant prices for them.

90. It was stated by Colonel M'Murdo to you, in answer to your memorial in September last, that if the claims were not settled they should be settled?—I believe that a great many men have received compensation for their clothing; there are a few cases in which that has not been the case.

91. And how has it been settled with respect to rations?—There are no complaints about that.

92. Colonel M'Murdo stated in this answer, as you see, "They are entitled to have rations and compensation for clothing." Have you received compensation for rations; has that condition been fulfilled?—No, it has not.

93. Sir *John Ramsden.*] Are there many claims now outstanding for rations?—No, I believe not.

94. Lord *A. V. Tempest.*] The claims for clothing have been nearly all settled, and there are no outstanding claims for rations at all?—No.

95. Your chief ground of complaint is with regard to the terms of your discharge?—Yes.

96. How did you first receive information that you were about to be discharged?—I repeated that evidence; before I went to Horfield Barracks, I was absent for a fortnight on furlough, and I went home for three weeks, and then Major Mayne sent for me (and I saw Mr. Reeve), and he said, "You will be too short for the military train; I will send for your discharge;" and I stopped a fortnight after that, and then I was discharged.

97. Who is Mr. Reeve?—He is the paymaster; he gave me a sovereign, and also that paper.

98. Colonel *Pennant.*] You complained of it at that time, and you refused to sign the certificate about your claim, because you had not received your certificate of character?—Yes.

99. Sir *John Ramsden.*] Was your claim registered?—No.

100. How did you receive it afterwards?—I wrote to Horfield, stating the claim.

101. And that claim was satisfied?—Yes. I saw placards, and saw advertisements,

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tisements, calling upon the men, and I went down and saw Mr. Reeve, and he gave me 17 *s.* 9 *d.* I said, "That is not right." He said it was three months, April, May, and June. I said, "I am entitled for January, February, and March, from the date of my promotion." He said, "Yes, you are; but I have no authority to give it to you;" and he did make a note of it, and he said, "I will let you know."

102. Colonel *Pennant.*] Then, in fact, there are three months now due to you, and you have not applied for it?—Yes; but there are so many hundreds of claims of that kind that it would cause more trouble than the money would be worth to put them all forward.

103. Lord *A. V. Tempest.*] I understand you that your chief ground of complaint is not having the usual form of discharge?—That is what we want.

104. That is your ground of complaint, is it?—Yes.

105. Colonel *Pennant.*] The parchment discharge would carry on it the number of years you have served, would it not?—Yes.

106. Sir *John Ramsden.*] Were you one of the body of men who tried at the Horse Guards to get a parchment discharge?—I was not.

107. Are you aware that an application of that kind was made?—That was made by the artificers.

108. Are you aware that they were told that they might have them?—I believe they were.

109. Lord *A. V. Tempest.*] What communication was made to the men of the Land Transport Corps about enlisting; was any offer made to you?—Offers were made to some of them.

110. Were they general offers that were made to them?—They picked out just a few here and there.

111. Did you all go up to be selected?—No.

112. Then there was an offer made that they might present themselves for selection?—No.

113. The *Solicitor-General.*] Were the men required to be of any particular height?—No; they picked out what men they liked.

114. Lord *A. V. Tempest.*] How did they take them?—The sergeant took whom he pleased.

115. How many of them went there?—I cannot tell.

116. What terms were they engaged upon?—I do not know.

117. Sir *John Ramsden.*] You say you are aware that the men who applied at the Horse Guards for parchment discharges, were told they might receive them?—I would not swear it, but I understood so; the Land Transport were not, but the artificers were.

118. If you do not know it, do you believe it?—I do believe it.

119. *Chairman.*] You belonged to the first levy, and you received no bounty?—No.

120. The second levy did receive a bounty?—Yes.

121. Sir *John Ramsden.*] You never applied to the Horse Guards to receive your discharge, did you?—No.

122. And now you do apply?—We have asked for it; last September.

123. When you heard that those men might get it at the Horse Guards, why did you not apply to them?—It was mentioned at the meeting that such and such was the case, and they would not receive them without they received their pay up to the time which they fancied they were entitled to.

124. Then in fact you do not ask now to have the parchment discharge dated at the time when your services expired, but you ask to be paid up to when you received your discharge; that is your claim?—Certainly; and we naturally expect at any moment we can be called upon now.

125. Colonel *Pennant.*] If you were not legally discharged, how is it that the men who went into the corps were re-attested?—They are not re-attested.

126. Lord *A. V. Tempest.*] Whose regiment were you enlisted in?—Colonel Mayne's.

127. *Chairman.*] Had some of the men among you a right to belong to the military train without re-enlistment?—Yes; and we thought it very hard that many non-commissioned officers had to go again as privates, and to be re-enlisted for 10 years.

G. R. Glenie.

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George Richard Glenie, called in; and Examined.

128. *Chairman.*] DID you serve in the Land Transport Corps?—I did.

129. In what capacity did you serve?—As superintendent.

130. When?—Both at Horfield and the Crimea.

131. In what capacity did you enlist?—I was told after I was enlisted it was as first class driver.

132. Sir *William Codrington.*] Were you attested?—Yes.

133. Have you the attestation?—I think the Chairman has it.

134. Were you attested as a first-class driver?—I was given to understand I should be, but I was attested as superintendent.

135. Were you attested before a magistrate, and did he read the attestation to you?—I supposed I was superintendent.

136. Did he say you were superintendent?—No, but Major Mayne did; I was given to understand, after I was made superintendent, that it was so; on the day of my attestation there were a great number of men enlisted, and non-commissioned officers.

137. *Chairman.*] How many different classes were there?—They found out there was an irregularity in enlisting the men, and of course the order was made out to enlist the men of the Land Transport Corps.

138. How did they enlist them?—The first levy was enlisted as second-class drivers.

139. Did they enlist any of the non-commissioned officers direct?—Yes, I think about 16.

140. Sir *William Codrington.*] Can you produce any attestation in which a man is enlisted as a non-commissioned officer?—I have not any here to-day; a great number of men have not got their attestations, they have lost everything in the Crimea.

141. *Chairman.*] Where were you attested?—At Westminster.

142. As a driver?—Yes.

143. By whom?—Mr. Thorpe or Mr. Thrupp, I think, a justice of the peace at Westminster.

144. What were the terms of your enlistment?—I was engaged for five years, and when I went to be sworn in the question was put, "Are you willing to serve for ten years?" I said "No, decidedly not." There were 14 more with me; and I was asked, "Why so?" I said, "Because my engagement is for five years." "We are enlisting you for five years; it is to avoid the militia Act, and so we are obliged to swear you in for ten years, because we shall not have it in our power to send you out of the country." I made a demur upon that, and instantly a warrant was produced, saying we could claim our discharge at the expiration of five years; and we were told that upon the face of the warrant it superseded the face of the Mutiny Act. I spoke to Mr. Thrupp myself, on account of my name being Glenie, and he asked me whether I was related to some Glenies he knew, and I said I was; and he said I should be received into the service for five years only.

145. Colonel *Pennant.*] Which magistrate was that?—I think Mr. Thrupp.

146. Sir *William Codrington.*] Did he read to you this clause: "Are you willing to be attested to serve in the regiment for the term of ten years," or whatever it was; and did he also add this, "Provided Her Majesty shall so long require your services"?—Yes; we were in three companies, in circles, and we were taken aback by it; it was impossible for any man to understand a word of it. I looked at the attestation paper, and made a remark to Mr. Thrupp, and I asked him if I was not to be kept for five years, because it was upon that understanding I enlisted.

147. Lord *A. V. Tempest.*] Would you have enlisted if it had not been for that agreement?—Decidedly not, because I took the whole of my clothing with me, and when I got to the Crimea it was all lost; I was taken ill and was sent to the hospital, and I had nothing left but a Guernsey shirt, which I was forced to pick the vermin out of.

148. *Chairman.*] On your return home how were you discharged?—They wanted me to take my discharge some month or two before I did, at Bristol. I was lying at Chatham for some time in the invalid depôt. I had lost the use of my side; after that I was examined by the doctor, and I volunteered to join again; I had then been doing duty for some considerable time, and I was asked whether

whether I wanted my discharge, I said "No, I was enlisted for five years;" and I also said, "I have a back claim; I have 5 *l.* 10 *s.* 8 *d.* due to me."

149. Lord *A. V. Tempest.*] When you enlisted?—No, when I was discharged; that is the reason why I was not discharged so soon as I otherwise should have been.

150. What did you get when you enlisted?—A shilling.

151. Did you not get bounty besides?—No, none whatever; we were told we should have our clothes.

152. What clothes had you?—I had a pair of trousers and a tunic.

153. What daily pay did you get?—Four shillings a day.

154. And your rations?—Yes; but there was about 3½ *d.* stopped for messing.

155. *Solicitor-General.*] Did you say you declined to receive your discharge because you were enlisted for five years?—Yes.

156. Who offered you your discharge?—Major Mayne and Mr. M'Arthur.

157. And you declined to accept it on account of not having a parchment discharge?—Yes, and on account of the arrears.

158. Sir *John Ramsden.*] What were you entitled to that 7 *l.* 16 *s.* for?—It was stopped out of my daily pay before I went to the Crimea; I was in charge of a detachment at George-square Barracks, the head-quarters were at Maker Heights; I was empowered, if a man was absent, to inflict punishment on him by confining him to barracks, and I went up to draw money to pay the men; I drew three payments for the month of June; there was a balance due for the month of May, and in June I drew three separate payments of Lieutenant Sewell, two 10 *l.* and a 20 *l.*, to pay these men; a part of my money was sent to Drake's island, which is a little island in the sea, to pay these men, because the consequence of their not being paid was that they were almost mutinizing; I could not get my daily pay, and I had to pay them that amount out of my own private purse, and unless I had had good friends I could not have done so; I was told not to keep them under orders, but I knew if I let them go from Devonport to Plymouth I should not know where to find them again, for they would be sure to be going astray, and I should have got punished for letting them go; the consequence was I could not let them go from Drake's island; and I paid that money out of my own private purse in order to keep them there.

159. Sir *William Codrington.*] Was any officer present?—I was the only officer.

160. How many men had you under your command?—Thirty.

161. Who was the commanding officer?—Lieutenant Sewell.

162. Where was he?—At Maker Height.

163. *Chairman.*] You paid the money out of your own pocket, did you?—Yes; an order came upon me to embark immediately, and I asked Mr. Sewell for the balance of my account; the consequence was that he told superintendent Bromstour, our regimental surgeon-master.

164. Sir *William Codrington.*] Was he your captain?—No, he was quarter-master.

165. Had he charge of the accounts at all?—Yes.

166. Lord *A. V. Tempest.*] Have you not been paid this money at all?—No.

167. Sir *William Codrington.*] Now, is this a question connected with the discharge of the men, or is it not purely a personal question with regard to the pay due to you at the time?—No, because it was stopped from my daily pay, and you will find by the regulations that you dare not stop any payment from a non-commissioned officer without making inquiry.

168. *Chairman.*] If there had been a regimental Board sitting, would you have brought this under their notice?—Yes.

169. Did you not in coming home make a claim at Horfield?—I did.

170. Before Colonel M'Murdo?—I did several times.

171. Before whom?—I sent it lastly to Colonel M'Murdo, and there was a board of inquiry to sit upon my claim, and Colonel M'Murdo and the officers two days previous promised to pay me.

172. Where did this court of inquiry sit?—At Horfield Barracks.

173. Did you go before it?—Yes, I was let in and asked two or three questions, and sent out again, and they would not allow me to see the body of a paper which was shown to me.

174. Were you not put under arrest for making the claim?—Yes.

 175. Were

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175. Were you under arrest at the time you went before the court of inquiry?—No; Colonel M'Murdo said he would put me under arrest; Colonel M'Murdo took upon himself to place me under arrest.

176. Sir *W. Codrington.*] Has not a commanding officer power to put a non-commissioned officer under arrest?—I do not know.

177. The *Solicitor-General.*] Was Colonel M'Murdo present when the document was turned down and not shown, do you know?—No.

178. Who was present?—Major Sherrington.

179. Was that previous to or after your discharge?—Previous to my discharge.

180. Lord *A. V. Tempest.*] Who constituted this Board?—Two officers and Major Sherrington.

181. *Chairman.*] You succeeded Austin, did you not?—Yes.

182. You have heard your predecessor, Mr. Austin's, examination, have you not?—Yes.

183. Have you anything to state in addition to what he has said?—Yes; in the first place we complained that Government has not fulfilled their contract as regards the enlistment; in the next place, that we are discharged in an illegal manner.

184. That is merely on the same ground that Austin put it?—Yes; but, perhaps, I can explain it better than he did.

185. Have you anything to add to what Austin stated?—Yes, I have several men here, who have got back pay due to them; a number of men were told they were enlisted for five years, and they should not be discharged before the five years were up; and the next document that we saw was that from Colonel M'Murdo, which was the reason for petitioning the House. Colonel M'Murdo says, no man knows the binding nature of a bargain better than an Englishman. We are asking for a gratuity only; that is the only way of obtaining redress; we say, as we know the binding nature of a bargain, perhaps you will have the kindness to let us have our legal discharge, and perhaps you will pay us; I told Mr. Frederick Peel I should expect my legal discharge and my pay, and I expect that to be signed, not only by an officer, but by the adjutant-general as well.

186. Sir *W. Codrington.*] Where is the authority for its being signed by the adjutant-general himself?—By the Mutiny Act.

187. Mr. *Baxter.*] Has any man connected with the corps got a legal parchment discharge?—Yes, plenty of them.

188. *Chairman.*] It cannot signify to you whether it is signed by the adjutant-general, or some one on his behalf?—No.

189. Lord *A. V. Tempest.*] You claim your parchment discharge?—Yes.

190. Mr. *Baxter.*] You said that there were plenty of men in the corps who had got legal discharges; why did you not get yours also?—Because the officer we had did not know his duty.

191. Colonel *Pennant.*] Have you ever applied for a parchment discharge?—I went to Mr. Mitchell, and he told me that Major Sherrington said there was no occasion to give a parchment discharge, as the paper ones would answer every purpose.

192. Mr. *Baxter.*] You mean that the men did not get the parchment discharges immediately on their return from the Crimea?—No, they went to Chatham; and those who went to Chatham got their parchment discharges.

193. Lord *A. V. Tempest.*] Is it only the men who were sent to Chatham who got their parchment discharges?—Yes.

194. What are those men who are sent to Chatham?—They are invalids.

195. Were they sent to Chatham only because they were invalids?—Yes; all the men are invalids who are sent there.

196. Mr. *Baxter.*] Was that the reason they got their parchment discharges?—Yes; a number of men had been sent away who were not able to work.

197. Sir *John Trollope.*] Have you ever had notice, that if you called at a particular office you might have your parchment discharge?—No, it is only the artificers who have been told that at the War Office by Sir Henry Stocks.

198. Mr. *Baxter.*] Was it only at Bristol that the paper discharges were given?—No, they were given at Woolwich as well, in many instances; instead of giving them a pound to carry them on, they have given them nothing.

199. Sir

199. Sir *J. Ramsden.*] You say that in many cases Captain Vokes insisted upon the men taking their paper discharges?—Yes.

200. Can you bring any individual instance in which Captain Vokes discharged a man against his will?—Yes.

201. You can bring forward the instance of a man being discharged at Portsmouth by Captain Vokes against his will?—Yes; none of the men wanted their discharge.

202. Colonel *Pennant.*] I think you said that you did apply for your parchment discharge, and it was refused?—Yes.

203. The *Solicitor-General.*] To whom did you apply?—To my officer.

204. What was his name?—Cornet Mitchell.

205. Sir *W. Codrington.*] Who was your commanding officer at that time?—Colonel M'Murdo. Major Sherrington was commanding the consolidated battalion.

206. The *Solicitor-General.*] What reason did Cornet Mitchell give for refusing the parchment discharge?—He said, there was no occasion at all for it; all the other men were having paper ones, and there was no reason for giving parchment ones; and then Adjutant Macaulay said it would be so much trouble.

207. *Chairman.*] Did many of the men, to your knowledge, refuse taking the paper discharge?—Yes, many did.

208. What was done with the paper discharges?—They were thrown out of the gate after they were marched off; a great many who would not take their papers with them had them thrown after them.

209. Into the road, do you mean?—Yes; Major Mayne in the meanwhile making use of most abusive language.

210. Is this what you heard yourself?—Yes.

211. What did he say?—"Turn them out of the gate;" and I have myself marched down to Bristol.

212. The *Solicitor-General.*] What was the abusive language he used?—"Oh, the damned scoundrels, send them away."

213. You have heard him say that, have you?—Yes; and if I had not a soldier's coat on, and it had been the last drop of my blood, I would have spent it on the man who could have behaved so to men after working as we had done for our country.

214. Colonel *Pennant.*] What situation were you holding at that time?—Superintendent.

215. *Chairman.*] Did any of the men pick up these protection papers that were thrown into the road?—I cannot say.

216. Sir *W. Codrington.*] Did you see the person who gave the discharges throw them into the road?—No; I saw the men marched out.

217. But you did not see the discharges thrown into the road?—No.

218. *Chairman.*] Then what made you say that you saw them?—Because I have witnesses here to prove it.

219. Sir *J. Trollope.*] Were you marched out in that way yourself?—No, I was not.

220. Did you take your paper?—Yes, I took my paper, at the same time saying, that I should petition the House of Commons, and sue for redress.

221. Sir *J. Ramsden.*] Is this the paper which you were discharged under (*showing a paper to the Witness*)?—Yes.

222. Were you, or any other man, refused employment in consequence of these discharges being invalid?—I have not myself, but when I made the application which I did at the railway, I was laughed at.

223. Who was that?—I do not know; every man who has belonged to the Land Transport Corps has a stigma fastened upon his character.

224. Are there any men here who have lost employment in consequence of not having a parchment discharge?—There are plenty of men who have applied for employment, and they cannot get employment.

225. The *Solicitor-General.*] But you yourself have not been refused?—No.

226. What employment have you been in since?—Not any; the Queen's regulation specifies, that after a man is discharged and his character is good, it shall be inserted in this blank space at the bottom; if a man be of indifferent character, then this space is cut off; and if he is of bad character, then it is inserted in the paper, so that no man can say he has a good character if it is not

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so; but in our protecting paper it is no matter whether the character is good, bad, or indifferent, because you can put in what character you please yourself. I can fill it up myself, but it would not be legal, and people would not look at it in the same way.

227. Did you apply to have your character put on the back of the protection paper?—My character is written "Good."

228. Were there books regularly kept?—Yes; when we enlisted in any regiment that is always done; a number of men would not enlist at first, and they refused to let them into the place.

John Riordan, called in; and Examined.

John Riordan.

229. *Chairman.*] IN what capacity did you serve in the Land Transport Corps?—I enlisted as a private, but latterly I was a sergeant.

230. Have you received a parchment discharge?—No.

231. Have you any complaint to make in reference to it?—I have received a protecting paper, as they term it; when I was discharged in August last from Gosport, I was taken into the orderly-room, and Captain Delamere, who commanded the troop that I belonged to, handed me this paper; I looked at it, and he said, "If you sign this book you will receive a sovereign;" I said I wanted a discharge.

232. Sir *W. Codrington.*] When did you say you were discharged from Gosport?—On the 13th of August.

233. When did you enlist?—The 25th of April 1855.

234. *Chairman.*] Is your character on the paper?—Yes, character good; I refused to sign it; he asked why, and I said I had seen a document of the kind before.

235. Sir *J. Trollope.*] Had you been a soldier prior to your enlistment?—No, but I had seen several discharges prior to then.

236. *Chairman.*] In consequence of your not having a proper discharge, have you been refused employment?—Yes; I went to Messrs. Brettle's in Wood-street, Cheapside, wholesale hosiers, and I also applied to Pickford's.

237. What did they say to you?—I saw the managing man; I applied for a situation as under-packer; I told him I had been in Her Majesty's service, the Land Transport Corps, and he said, "I suppose your character is good;" I said, "Yes;" he said, "How long have you left it;" I said, "About a month;" I showed him the paper; he kept it, and he said, "It is a strange document; I suppose you received it;" I said, "Yes;" he said, "I see your character is inserted upon it; it is a strange paper to give to a body of men; do you know any one who has received anything of the kind?" I said, "Thousands have received it;" he threw it down on the counter, and said, "You had better call again in a week or two;" I said, "Do you refuse me?" he said, "No, but I think we are well-nigh suited;" I said, "Is it of any use calling again?" he said, "Call again in about a fortnight;" and I said, "The situation will be gone long before that time;" he said, "Well, you can call in about a fortnight's time."

238. Sir *J. Trollope.*] Did you ever call again?—No.

239. Do you know that you were rejected on account of the discharge being on paper; was the character satisfactory?—Yes; decidedly so.

240. *The Solicitor-General.*] Did the managing man tell you so?—No.

241. Sir *W. Codrington.*] Did he ever ask you for any other discharge?—Yes.

242. Mr. *Baxter.*] It is an inference that you draw?—Yes.

243. The *Solicitor-General.*] Did he on the contrary tell you that the paper discharge was not the reason why he did not employ you?—Yes.

244. Sir *W. Codrington.*] But he did remark upon its not being a usual disdharge?—No, he said, are you the only man who has received it, and I said, thousands have received it as well as me.

245. Lord *A. V. Tempest.*] Have you any claim for arrears?—No.

246. The *Solicitor-General.*] What was the name of this managing man that you spoke to?—I do not know.

247. Do you really believe that his only objection was that, you being a man of good character, because it was written on paper instead of parchment?—That is my belief.

248. But

248. But he did not tell you that?——

249 *Chairman.*] Have you any arrears of pay due to you?—No.

250. Have you any claim?—I claim a sovereign; I was charged for a pair of trousers.

251. Do you mean that they were not given you?—They were served out.

252. Had you received any other pair of trousers?—No.

253. Lord *A. V. Tempest.*] You have signed the receipt, have you not, for all your arrears of pay whatever?—Yes.

254. Mr. *Baxter.*] You said you applied to Pickford?—Yes.

255. Were you refused there?—Yes; they said they had had several men applied lately, and they all had legal discharges, and a document of that sort they would not think of looking at.

256. Sir *J. Ramsden.*] Did you apply to the authorities at the War Office or the Horse Guards?—We applied by deputation to Lord Panmure, and he referred the memorial to Colonel M'Murdo, and he says in reply, he is informed that the protection papers are legal.

257. Mr. *Baxter.*] Did you understand that you were enlisted for five years?—Yes, certainly; when we went over there were 15 of us, we were joined by other parties, and we learnt something about 10 years, and it rather surprised us, because we understood it to be five years.

258. Do you mean five years certain?—Yes; we supposed there was some deception practised towards us, and it was determined among ourselves that we should have a conversation with the party who swore us in, and we were sworn in a body, the whole 15 of us.

259. Sir *W. Codrington.*] By whom?—I do not know.

260. Where was it?—In Charles-street, Westminster.

261. Was this clause read to you, whether you agreed to be attested to the service of the regiment for any particular number of years, provided Her Majesty should so long require your services?—I cannot say.

262. Was that the usual attestation?—Yes.

263. And you signed it, did you?—Yes.

264. Is it the same attestation as you signed, and are the words not there?—They are; and I believe it to be similar to the copy I signed.

265. Is it possible you might not have heard them read to you by the magistrate?—I cannot say; perhaps it may be so.

266. You do not know whether you signed it, or whether it was read to you?—I signed it, certainly.

267. Sir *J. Ramsden.*] Did you say you objected to the term of 10 years?—Most clearly; when he came to the term of 10 years I stopped him, and I said, "I understood that we are to be sworn in for a period of five years;" and the magistrate then stopped the clerk, and asked for the Act of Parliament; he did not seem to understand the Royal Warrant, and the clerk produced the Act of Parliament; and then when he produced the Royal Warrant, the reply was, "You are to be sworn in for ten years, but you are only to serve for five years, and those five years you will have to serve;" and upon that answer we were satisfied.

268. Mr. *Baxter.*] Who was the magistrate?—I do not know.

269. Was it at Westminster?—Yes.

270. The *Solicitor-General.*] You understood that you were bound to serve for five years at all events?—Yes, I would never have gone otherwise.

271. *Chairman.*] Or to be discharged at the close of the war?—Well, I never understood that.

272. Sir *W. Codrington.*] Did you never read the warrant itself?—No, I never saw the warrant until since I have been home.

273. *Chairman.*] Did you understand that Her Majesty could not dismiss you before the end of five years?—I did.

274. Should you have enlisted had you not so understood it?—Certainly not.

275. And that was conveyed to you by the magistrate?—Yes.

276. Sir *J Ramsden.*] Did the magistrate say you would have a right to be retained for five years?—He said we should have to serve for five years, and no more.

277. *Chairman.*] Have you been refused employment anywhere else?—Yes, I was at the Great Northern Railway; I went before the Board of Directors there on a Tuesday morning, and I was told to call again in a fortnight; I called in a fortnight

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night again, in consequence of what I was told, and I saw the Board of Directors, and they saw a medal I had on, and they said, "You have been in the Queen's service; what branch has it been in"?—I said the Land Transport Corps, and they said, "Have you got your discharge"? and I said yes.

278. Mr. *Baxter.*] Did the Chairman ask you those questions?—Yes; I produced the paper, and he looked at it, and he handed the paper across the table back to me, and he said, "I think you are too old."

279. Sir *J. Trollope.*] They did not object to your discharge?—No.

280. Are you aware that on that railway they do object to take people into the situation of porters if they are above 30 years of age?—I am not aware of it; I saw people who looked older than me who were taken on that day.

281. Have you any complaint to make that you were refused employment in consequence of not having the parchment discharge?—It was not exactly said so, but their general conduct made me think so.

282. Mr. *Baxter.*] You say that you were also refused by the manager at Pickford's?—Yes.

283. The *Solicitor-General.*] Did he say it was in consequence that you had not got a parchment discharge?—He said he had never seen a document of that kind before.

284. Is that gentleman still employed at Pickford's?—I have no doubt he is. This was about last October.

285. *Chairman.*] Did he tell you you were liable to be again called upon by the Queen's Government in consequence of the imperfect character of that paper?—He said, "You are still in the service."

286. The *Solicitor-General.*] Who told you this?—The same gentleman; and I have now been told that I was like a militiaman, and liable to be called upon at any time.

287. *Chairman.*] What employment have you now?—Whatever I can get; a common labourer, if I can get it. I used that paper until I was compelled to put away my clothes. Sometimes I have been employed in gashouses, and sometimes in other things. I was perfectly competent to get a situation if I had had a legal discharge when I came from the Crimea.

288. The *Solicitor-General.*] The first application you made for employment was in Wood-street, Cheapside?—Yes; I arrived home about the 14th of August; I was at home about a week before I made any application.

289. Was that the first application?—Yes.

290. Do you consider that the refusal you met with was in consequence of not having a parchment discharge?—Yes.

291. Did you make any application to the authorities for a parchment discharge?—I did, to Lord Panmure.

292. How soon after?—In September.

293. Was it in writing?—Yes; I asked for a legal discharge.

294. Do you refer to the memorial which was sent in by a body of men?—We thought it consistent to make the application for the whole body.

295. Have you got a copy of the memorial?—I have not.

296. *Chairman.*] What answer did you get?—The answer Colonel M'Murdo sent us.

297. Sir *J. Ramsden.*] You never brought your specific grievances before the War Office?—No.

298. You asked for your legal discharge, but you did not ask for a parchment discharge?—No; I understood the legal discharge was a parchment discharge.

299. Sir *W. Codrington.*] But you object to the legality of the discharge at all before the expiration of five years?—Yes.

300. Do you object to being discharged at all before five years?—We do.

301. The *Solicitor-General.*] This matter was referred by Lord Panmure to Colonel M'Murdo, and you saw the memorandum of Colonel M'Murdo sent; did you, after the receipt of that memorandum, or after you became acquainted with it, make any application to Colonel M'Murdo, or any of the authorities, for a parchment discharge?—No; we thought it best for the interest of the whole body to leave it as a general question.

302. You did not after that memorandum apply for any parchment discharge?—We made no personal application at all.

303. Sir *J. Ramsden.*] Have you any claim for money outstanding?—I claim a sovereign.

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304. Sir *W. Codrington.*]—You say you have not had your complement of clothing?—I have not. In 1855 I was served out with a regimental suit.

305. You had a complete suit, had you?—Yes.

306. What do you claim payment for?—In the month of November I was upon duty on a Sunday, and I was sending some coal from Balaklava to the Limekiln; when I returned, I heard that the captain had told the men they should have a new pair of regimental trousers; I said I required none; I was told that I should have it. Captain Mundell, of the 90th, commanded us then; and on the Monday morning I and two of my comrades went up and told him we required no trousers; he said, "You must have one pair of regimental trousers;" I said, "If they are regimental trousers they will be given us;" he said, "No, you will be charged for them;" I said, "We do not require them; mine are in very good condition;" and he said, "Right about, face," and I was compelled to go.

307. Sir *W. Codrington.*] What trousers were these; summer trousers or winter trousers?—Winter trousers. I returned again the same day, and asked him if he could tell me the price they would be; he said he could not; I asked if they were like the ones I had, I had already been served out with; he said no, they were different; I said, "If Her Majesty served me with regimental trousers she ought to give them to me, and not charge me for them;" he said again, "Right about, face," and the trousers were served out the next day.

308. Have you ever known a soldier not to be provided with a pair of summer trousers, if not necessary?—Yes, we had them, they were blue serge trousers, summer trousers; we paid for the regimental trousers, as they term them; they were grey trousers with a yellow stripe; some of them were white, and we were charged a sovereign.

309. Was the reason that your trousers were not in good order?—Nothing of the kind; they were not inquired into; not at all looked into or asked about; and not being paraded for the purpose of looking at them.

310. Colonel *Pennant.*] Have you got your account books there?—Not with me.

311. *Chairman.*] What were you charged for rations?—Threepence a day for breakfast.

312. Did you not pay in the Crimea on the breakfast mess?—No, there was no charge at all for that.

William Stevens, called in; and Examined.

William Stevens.

313. *Chairman.*] WERE you a private in the Land Transport Corps?—Yes.

314. Did you serve in the Crimea?—Yes.

315. When were you discharged?—On the 12th of August.

316. Did you receive a parchment discharge on your dismissal?—No.

317. Did any board sit there to examine your account?—Yes, they sat there and held out a paper.

318. Where was this board?—On board the ship.

319. Before you landed?—Yes.

320. What did they do?—They turned one part of the discharge over, and they said, "Sign your name here." I said directly, "What was I to sign my name for;" they said, "Your discharge." That is what they gave me for the discharge.

321. What did you sign?—"William Stevens."

322. Did you ask for your character?—Yes, and they told me I was to send for my character to Bristol; I was to send to Major Grey; I was to have had it on parchment. I have got no employment in consequence of the want of character, and I have been out now 12 months.

323. When you joined the corps on your enlistment, were you called upon for a certificate of good character?—Yes.

324. Since you came home, have you applied for employment anywhere?—Yes.

325. For permanent employment?—Yes.

326. Where?—At Mr. Hobbs's, in the City.

327. What street in the City?—Wood-street; it was to look after a horse and cart, and to fetch parcels in; he asked me what I worked at last, and I said, "In the

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the Land Transport Corps." He asked where I worked before; I told him at Mr. Cubitt's, in the Gray's-inn-road. He asked, "Can you produce a character?" I said, "I can from Mr. Cubitt, but I have not got the proper discharge from the Land Transport Corps." He did not refuse me on the ground of character from the Land Transport Corps, and he did not refuse the character from Mr. Cubitt, but he hummed and hawed, and told me he would think of it; and I really thought to myself, if it had not been for the Land Transport character I might have gone and worked for the gentleman.

328. Sir *John Ramsden.*] He did not say to you, "This is not a good discharge," but you said it to him?—I said I had not got a proper character from the Land Transport Corps; I had a character from Mr. Cubitt.

329. He made no difficulty about that point; you suggested it to him?—I said I had a character from Mr. Cubitt.

330. But he took no objection to the terms of your discharge which you showed him?—He did not mention it, but he "hummed and hawed," as much as to say, "that will not suit me."

331. Mr. *Baxter.*] Did you apply to any one else for employment?—I applied to others, but they would not give me employment when I showed the paper.

332. *Chairman.*] Did he tell you, that if the character had been on parchment instead of on paper, he would have employed you?—No, he did not mention that; I went to the Emigration Office at Park-street, and they asked me what I was; I said I was an agricultural labourer; they asked me if I had a character; I told them I could produce several good substantial characters; and when I said so they asked me if I could show them one, and I gave them one or two characters to look at, and they said, "What occupation were you last in?" I said, "I was in the Land Transport Corps;" and then the gentleman did no more, but he turned round and said, "You had better come in three weeks time." I went at the three weeks time, and then he said, "No, there are no more to be taken on at present."

333. Sir *John Ramsden.*] That had nothing to do with the discharge?—It seems like it; if I had had the proper discharge, and showed it to him when he asked me to look at it, I think that would have done.

334. You say he asked for the discharge?—He asked me to produce my discharge and character, too; and he told me there would be nothing more for three weeks.

335. *Chairman.*] Did he tell you it was a bad discharge because it was on paper?—No.

336. If it had been on parchment, do you believe that you would have been employed?—Yes.

337. Why so?—Because the people whom you go to after situations, when you produce this paper, they say, "It is merely a protection paper; it is not legal."

338. The *Solicitor-General.*] Who said that to you?—Several persons.

339. Mention one?—Mr. Cardale.

340. *Chairman.*] Did you apply to him for employment?—No.

341. The *Solicitor-General.*] Can you mention anybody to whom you applied for employment, who said if you had a parchment discharge they would give you employment?—No.

Patrick Welsh, called in; and Examined.

Patrick Welsh.

342. *Chairman.*] WERE you in the Land Transport Corps?—I was.

343. How long were you in the corps?—About 11 months.

344. Were you in the first or second levy?—In the second levy.

345. Did you receive 5 *l.* bounty?—No, I received only 2 *l.*

346. Was that because the rest was taken out in the kit?—I enlisted for 5 *l.* bounty, and was to have 5 *l.* bounty.

347. Colonel *Pennant.*] Was that deduction made from the 5 *l.* because you got a kit; did you get a kit?—I did.

348. *Chairman.*] Is there any pay due to you from the Government now?—Yes.

349. How much?—From the 13th of April till the 16th of May 1856.

350. For what is it due to you?—During the time I was in the hospital.

351. Where were you in the hospital?—At Scutari.

352. Have

352. Have you applied for it?—Yes, several times.

353. Where?—At Bristol.

354. What answer have you had?—I have never received any answer at all as yet.

355. The *Solicitor-General.*] When did you apply?—About three weeks ago.

356. *Chairman.*] Was that your first application; when did you first apply?—About the 30th of July.

357. Sir *John Ramsden.*] When were you discharged?—On the 24th of July.

358. How long after getting the discharge did you make the claim?—On the 30th.

359. But you did not put in a claim previous to your discharge?—Yes; I put it in while I was getting my discharge.

360. *Chairman.*] Where were you discharged?—In Bristol.

361. Then you did not go to Chatham; you were not invalided when you came home?—Yes; I was.

362. Were you at Chatham?—No.

363. Have you ever applied for a parchment discharge?—No.

364. The *Solicitor-General.*] Look at the back of that paper (*handing a paper to the Witness*), is that in the state now in which it was delivered to you?—I cannot read writing, nor I cannot write.

365. Have you given it to any one to keep for you?—Yes.

366. Was it to any of the Committee?—No; I never gave it to any one but my wife.

367. Colonel *Pennant.*] You said you sent an application to Bristol for what was due to you; how did you send that?—I only sent an application for the time I was in the hospital.

368. How did you send it; you say you can neither read nor write?—I got another person to write it for me.

369. Who was it?—My brother.

370. *Chairman.*] Do you mean to say this has not been altered?—No, it has not.

371. It was given to you as it now stands, was it?—Yes.

372. The *Solicitor-General.*] Who was Mr. Wells, who witnessed that?—He was the corporal.

373. Mr. *Baxter.*] You said that some one had kept the paper for you for a time?—Yes, my wife.

374. Where are you working now?—Out in Marylebone.

375. Is that the first situation you have had since you have come back from the Crimea?—No.

376. Have you found any difficulty in obtaining a situation?—No.

377. You have never been refused?—No.

378. *Chairman.*] What is the amount of your claim?—About 2*l.*

379. Sir *William Codrington.*] Do you know whether there are any stoppages?—Not as I know of.

380. You claim the whole of your pay complete?—Yes.

381. Colonel *Pennant.*] Have you got an account-book?—Yes.

382. Is it here?—Yes.

383. Sir *William Codrington.*] Who is your captain?—Captain Hulton.

384. The *Solicitor-General.*] Did you apply for this pay?—Yes.

385. To whom?—I applied for it at Bristol.

386. To whom?—Major Mayne.

387. What did he say?—The answer I got back was there was no such person there.

388. No such person as who?—Major Mayne.

389. When did you apply?—I applied three times.

390. When was the first time?—About the 30th of July was the first time.

391. Was Major Mayne out of the country then?—I got a letter back that he was not there at that time.

392. Have you got that letter?—It is at home, I think. I was told to write to Captain Hulton, but he was not then at the Horse Guards; and then I was told to write to the commanding officer of the troop, and I wrote to him, and never got an answer.

393. Who was the commanding officer of the troop?—I do not know; he was the captain of the troop at Horfield Barracks.

Walter Bird, called in; and Examined.

Walter Bird.

22 June 1857.

394. IN what character did you serve in the Land Transport Corps; as a private or a non-commissioned officer?—As a private and first class driver; promoted to lance-corporal, first class.

395. When was it you enlisted?—In September 1855.

396. When did you return?—On the 1st of September 1856.

397. Where were you discharged?—At Portsmouth.

398. What paper was given to you?—A protection paper.

399. Did you object to it as a protection paper?—Not at the time, not knowing it was not legal; but I afterwards applied for a legal discharge.

400. Have you any arrears of pay due to you?—No.

401. What is the date of your discharge?—The 5th of September.

402. Mr. *Baxter.*] What led you to apply for a discharge on parchment instead of this which you had on paper; what induced you to suppose that this would not be satisfactory?—Because I was refused employment.

403. By whom?—By Mrs. Thomas Lee.

404. Where does she live?—No. 37, John-street, Clerkenwell.

405. The *Solicitor-General.*] In what capacity did you apply for employment?—As a waiter.

406. Lord *A. V. Tempest.*] Was it on the ground of your not having a parchment discharge that she refused you?—Yes; she said she did not know whether I was discharged or not, not having a parchment discharge. She said she knew it was common for all soldiers to have parchment discharges.

407. Was that the only reason she gave?—Yes.

408. *Chairman.*] You say you had a protection paper given you?—Yes.

409. Was that all you had given to you?—Yes.

410. Mr. *Baxter.*] Did Mrs. Thomas Lee carry on any business?—Yes.

411. What was her business?—A publican.

412. The *Solicitor-General.*] As I understand you, it was not that she was not satisfied as to the character, but she was not satisfied that you were discharged?—That I was discharged.

413. *Chairman.*] Did she say anybody had told her that it was not a valid discharge?—No; she said she knew it was common for soldiers to be discharged on parchment, and she could not take me into her employment, because I might be called away at a moment's notice.

414. Lord *A. V. Tempest.*] Did you afterwards try anywhere else to get employment?—Yes, and the next application I made I was refused on the same account; but I was afterwards taken on the recommendation of a gentleman who was going to the Crimea.

415. The *Solicitor-General.*] How was it that happened; because it would be supposed that you were still liable to be called upon to serve?—No; it was a gentleman that knew me.

416. Was he satisfied that you were not liable to be called upon to serve?—No; he took me under that impression.

417. Mr. *Baxter.*] What was that gentleman's name?—Hildrop.

418. *Chairman.*] He took the chance of your not being called upon?—Yes, in consequence of the recommendation the gentleman gave me.

419. Why should the recommendation of the gentleman induce him to take you, because it did not remove the objection to the liability of your being taken away?—He ran the risk.

420. He was not dissatisfied with your character at all?—He was not satisfied at first that I was the person there represented.

421. Did you receive the 1*l.*?—Yes.

422. Colonel *Pennant.*] Where were you discharged?—At Portsmouth.

423. Had you your railway fare paid in addition to the 1*l.* that was given you?—Yes.

424. Were you enlisted in London?—Yes.

425. Sir *William Codrington.*] As I understand you, the only thing you have to complain of now is the discharge?—Yes.

426. Not being on parchment?—Yes.

427. Was it stated to you at the time why this was given to you?—No.

428. How

428. How do they generally hire waiters; is it by the year or by the week?—It is more usual to hire them by the week.

429. Then do you say she would not hire you by the week?—She would not.

430. Mr. *Baxter.*] You did not understand, when you were enlisted, that it was to be for five years, or such period as Her Majesty should require you?—No; I understood it was to be for five years certain.

431. Sir *William Codrington.*] What made you understand that?—Because I was sworn in for five years.

432. Was this read to you by the justice, "Are you willing to be attested to serve in the regiment for the term of years that was mentioned?" and then did the justice say, "Provided Her Majesty shall so long require your services"?—I was sworn in for ten years and two years.

433. The question put to you was this, and which you must have signed, "Are you willing to be attested to serve in the regiment for the term of" naming the number of years, "provided Her Majesty shall so long require your services"?—Yes.

434. What should you understand by the term, "Provided Her Majesty shall so long require your services"?—I was sworn in for ten years, and the magistrate said I could claim my discharge at the expiration of five years.

435. My question is, what would you understand by this term, "Provided Her Majesty shall so long require your services;" was that put to you?—Yes.

436. Do you suppose that you may have misunderstood the sentence; did you suppose that you could be discharged at the close of the war?—I did not understand that.

437. *Chairman.*] Did the magistrate tell you that you could not be discharged before the five years, if you thought proper to remain?—No; but I understood that I should be kept for five years.

438. The *Solicitor-General.*] Did he tell you that you could not claim your discharge before the end of five years?—I understood him to say so.

439. *Chairman.*] That you could not be discharged?—Yes.

440. Are you not aware that under the Queen's warrant under which you enlisted, there was also the power of closing your engagement at the termination of the war, if it was thought proper?—I did not understand that.

441. Mr. *Baxter.*] Then you had not read the document carefully?—No.

442. Lord *A. V. Tempest.*] But this question was put to you, "provided Her Majesty should so long require your services"?—Yes; but I understood it was to be for five years.

443. Did you understand, at the time of the enlistment, that there was a power to discharge you previous to the expiration of five years?—No, I did not.

444. Sir *William Codrington.*] If you are hired as a waiter for a year, and the landlord says to you, "provided I do not want to retain you, I shall have the power to discharge you," what would you understand from that?—If a waiter is engaged for a year, it is usual to give three months' notice.

445. But supposing the landlord says, "I will engage you for a year provided I wish to keep you so long," do you not think he has the power of discharging you, if he does not wish to keep you so long?—Not without notice.

446. Colonel *Pennant.*] What did you think the words meant at the time?—I understood that we were to be kept for five years.

447. Did you understand that by those words?—Yes.

448. *Chairman.*] Did the magistrate positively tell you so?—He positively told us that we should be kept for five years.

449. The *Solicitor-General.*] Who was the magistrate?—I do not know.

450. Where did he sit?—In Westminster.

451. Sir *William Codrington.*] Is this the same sort of attestation as you had (*handing a paper to the Witness*)?—Yes.

452. You see it is a printed form?—Yes.

453. But I understood you to say that you believe it was not read to you?—I have no recollection of such a thing being read.

454. The *Solicitor-General.*] Can you undertake to say that it was not read to you?—I cannot swear that it was not read to me.

455. Colonel *Pennant.*] Had you a duplicate given into your possession?—Yes.

456. Were those words in the duplicate?—I do not know.

 457. *Chairman.*]

Walter Bird.

22 June 1857.

457. *Chairman.*] You cannot positively assert whether this was read over to you or not?—I cannot.

458. The *Solicitor-General.*] The attestation in the paper you had was similar to that, and the magistrate asserted it was read over to you?—Yes.

Henry Burgoyne, called in; and Examined.

Henry Burgoyne.

459. *Chairman.*] DID you belong to the Land Transport Corps?—Yes.

460. To the first or second levy?—The second levy.

461. Did you receive a bounty?—Yes, 2*l.* 0*s.* 10*d.*

462. When were you discharged?—On the 30th of July.

463. Did you go before any Board when you were discharged?—No.

464. Have you got a parchment discharge?—No.

465. Have you got the paper here?—No.

466. Mr. *Baxter.*] Where were you discharged?—At Portsmouth.

467. Lord *A. V. Tempest.*] Had you the 2*l.* 0*s.* 10*d.* and your rations free?—We had a shilling a day.

468. What were the terms on which you enlisted?—£.5 clear bounty.

469. You got 5*l.* clear money, did you?—No; I got 2*l.* 0*s.* 10*d.* at Bristol.

470. What was the remainder of the 5*l.* deducted for?—To pay for the kit.

471. Mr. *Baxter.*] What are you doing now?—I am doing nothing at present; I am out of employment.

472. Have you been refused employment?—Yes.

473. Why?—On account of not having a proper discharge.

474. By whom have you been refused employment?—By Mr. Wyld.

475. Where does he live?—In Catherine-street, in the Strand.

476. *Chairman.*] In what capacity did you apply for employment?—As a carman; I asked him to employ me, and he asked me where I worked last, and I told him in the Land Transport Corps; he asked me for my discharge, I showed it him, and he said, "This is not a legal one; there is no character put on, and you are liable to be called out again;" and he said, "You will not suit us."

477. Was that Mr. Wyld himself who told you that?—I do not know whether it was Mr. Wyld or one of his clerks.

478. This (*referring to a paper*) is the certificate of discharge under the provisions of the Royal Warrant, dated 24th January 1855; did he see that?—He did; all the soldiers had a parchment discharge with a character on.

479. Mr. *Baxter.*] Have you ever applied for a character?—Yes, I wrote down to Major Shervington.

480. Did you get an answer?—Yes.

481. But not the character?—Yes, I have got the character.

482. Sir *John Ramsden.*] Did you then take the character to Mr. Wyld?—No, because it was a month after I got it.

483. Mr. *Baxter.*] Then you did not return to him?—No, he had got suited.

484. Has any one else refused you employment?—No.

485. You have only applied to Mr. Wyld?—No.

486. Did you understand when you enlisted that you were enlisting for five years?—Yes, I was sworn in for ten years.

487. Were you disappointed and astonished at being dismissed so suddenly?—Yes.

488. Lord *A. V. Tempest.*] What pay did you get in the Crimea?—One shilling and nine-pence a day.

489. As what?—As a second-class driver.

490. Sir *John Ramsden.*] When you say that employment was refused to you on the ground of the informality of the discharge, as I understand you, you never applied to the authorities?—No.

491. Mr. *Baxter.*] You do not know the name of the gentleman who refused you?—No.

492. Should you know him again if you saw him?—Yes.

493. Lord *A. V. Tempest.*] Who did you write to for a character?—To Major Shervington.

494. When Mr. Wyld refused you employment, upon the production of your paper discharge, you wrote to Major Shervington?—Yes.

495. The

Henry Burgoyne.

22 June 1857.

495. The reason for your writing to Major Shervington for a character was because you were refused employment, and you wanted to get some further certificate of your proper qualification to get a place?—Yes.

496. Sir *John Ramsden.*] And you received an answer to that, did you not?—Yes.

497. Mr. *Baxter.*] Did you get any money when you were discharged?—Yes, one sovereign.

498. Why was that given to you?—It was the Queen's Bounty, we were told.

499. Lord *A. V. Tempest.*] Did you expect to get that sovereign?—I did not know, but I heard some of the men say they got a pound when they were discharged.

500. Mr. *Baxter.*] But you do not know the reason why it was given, do you?—No.

501. *Chairman.*] Have you any other complaint to make?—Just before I came home from the Crimea I was charged 2 *s.* 6 *d.* for a water bottle, and 1 *s.* 8 *d.* for a haversack.

502. Have you applied for that since you came home?—No.

503. Have you anything else to state?—No.

504. The *Solicitor-General.*] Had you a copy of your attestation at the time you enlisted?—Yes, I have got it at home.

505. Is it in the usual form, "provided Her Majesty should so long require your services"?—Yes, I think it is.

506. Sir *William Codrington.*] Were you not served out with a water-bottle and a haversack while you were in the Crimea?—No, not till just before I came home.

507. Were you not served with one when you went out on board ship?—No.

508. *Chairman.*] How did you carry the water?—Where we were at work we could get plenty of water.

509. And the haversack you did not want?—No; I could have got one, but some of the men said we should be charged for it, and so I would not get it, because I thought we ought to have it free.

William Alexander Bardus, called in; and Examined.

W. A. Bardus.

510. *Chairman.*] ARE you in the Land Transport Corps?—Yes.

511. As what?—As clerk in the Orderly-room.

512. Did you serve in the Crimea?—No.

513. Were you present when any of the men were discharged?—Yes.

514. What did they receive?—Some of them received part of their pay.

515. What document did they receive?—They had a certificate, which I wrote out myself.

516. Did they object to those papers?—Yes, many of them did.

517. Did they refuse to take them?—Yes.

518. What happened then?—Those that refused were turned out of the barracks.

519. What was done with the protection paper?—It was thrown after them.

520. How do you mean it was thrown after them?—It was ordered to be thrown after them as they went out of the barracks.

521. Mr. *Baxter.*] Did you see it done?—Yes.

522. Who ordered it to be done?—Major Mayne.

523. Who did it?—The sergeant.

524. Was this done with respect to many of the men?—It was done in two or three cases.

525. *Chairman.*] Did any of the men pick them up?—I saw one man pick it up, and throw it back again.

526. What became of the others?—Whether they picked them up or not I cannot tell.

Martis, 23° die Junii, 1857.

MEMBERS PRESENT.

Mr. Duncombe.	Sir John Ramsden
The Solicitor-General.	Sir John Trollope.
Colonel Pennant.	Sir William Codrington.
Mr. Baxter.	

THOMAS S. DUNCOMBE, Esq. IN THE CHAIR.

John Bowen, called in; and Examined.

John Bowen.

23 June 1857.

528. WHEN did you enlist in the Land Transport Corps?—On the 7th of May 1855.

529. As what?—As a first-class driver.

530. Where were you sworn in?—I was sworn in in Westminster.

531. When did you return?—I returned to England on the 18th June 1856.

532. Where did you land?—I landed at Portsmouth.

533. What did you receive then from the Government?—Nothing at all.

534. No money?—No, none at all.

535. Sir *W. Codrington.*] Did you go from Portsmouth to Horfield?—Yes, to Horfield Barracks. I landed at Portsmouth on the 17th, and remained there that night, and the next morning we started from there to Bristol, and I went to Bristol barracks the next day and remained there for eight days after that, and then they gave me my ship's clearance money, three sovereigns, for 23 days coming over.

536. *Chairman.*] Who gave it to you?—Some of the officers; of course I don't know all their names. The money I received was the Queen's sovereign, and a piece of paper, which of course they offered to me; and there were two lines along the top; it was covered over, and they told me to sign it, and then of course I wanted to know what I was going to sign, and they said you are to sign it; and I said, "I don't know what it is; is it my discharge, or what is it?" and they said, "Put this fellow in the guard-room."

537. Sir *W. Codrington.*] Who said so?—The gentleman that offered me the paper; I looked over it, and I said I will sign it so far as this, that I am unsettled with.

538. *Chairman.*] Where is that paper?—Well, I left it at Bristol, but they gave me one of the same sort since I was discharged the last time; that was the 29th; that is the last bit of paper they gave me, which was only a pass (*handing the paper to the Chairman*).

539. You don't say anything about "unsettled" here?—No, it was on the other paper they gave me when I first came over; it is the second one.

540. This was in July you say?—When I received the first one, that is.

541. Where is that paper?—I have left that at Bristol; they kept that from me.

542. Mr. *Baxter.*] Who kept it?—Captain Evans, who ordered me to be discharged.

543. Colonel *Pennant.*] You did not sign any paper at Bristol?—No.

544. *Chairman.*] You signed no paper?—I signed no paper at all; they gave me the paper and the ship's clearance, and the Queen's sovereign.

545. Mr. *Baxter.*] You did not sign that paper that Colonel Evans has taken?—No, I did not sign it.

546. *Chairman.*] Did you get what they call a protection paper?—Yes, it was just the same as what you have got in your hand.

547. Where is that?—I left that there; they took it away because I remained at home 99 days after that.

548. You

548. You stated that you went from Portsmouth to Horfield, that you remained there eight days, and during those eight days they gave you this paper, which you would not sign?—Yes.

549. What became of you after that; did you then come to London?—Yes, I came to London.

550. Had you any protection certificate when you came to London?—Yes, just the same sort as what you have got; I brought that away from London, and I remained there at home 99 days.

551. You brought that away?—Yes, from London to Bristol.

552. You remained in London 99 days?—Yes.

553. What made you go back to Horfield?—Because they owed me about 15 *l.* 5 *s.*

554. What was that for?—For the time I was in Scutari and Abydos.

555. Fifteen pounds, was it?—Yes, about 15 *l.*

556. Was it for a time that you were in the hospital?—There was 12 *l.* 5 *s.* due to me at Scutari, and 2 *l.* 0 *s.* 7 *d.* at Abydos.

557. When you got back to Horfield, what did you do then?—I stated my case to Major Evans, and he wanted to know the reason I had not been settled for before, which of course I told him. I said there was money due to me at Scutari, which was 99 days, which was 12 *l.* 7 *s.* 6 *d.*, and they offered me 12 *l.* 5 *s.*; well, then, rather than they should succeed in depriving me of the half-crown, I told them I should get it when I came to England.

558. Sir *John Ramsden.*] They offered you that at Scutari?—Yes, they offered me 12 *l.* 5 *s.* at Scutari.

559. Sir *W. Codrington.*] Did you get it?—I did.

560. *The Solicitor-General.*] I thought you said at Bristol it was 15 *l.*?—They owed me about 15 *l.* when I left Scutari; that was 2 *l.* 0 *s.* 7 *d.* at Abydos and 12 *l.* 7 *s.* 6 *d.* at Scutari.

561. Mr. *Baxter.*] But you have been paid that 12 *l.* 7 *s.* 6 *d.*?—Yes, since we were in Horfield Barracks.

562. *Chairman.*] What was the date of your return to Horfield?—I do not remember.

563. Cannot you give the date?—No, I do not know.

564. The *Solicitor-General.*] In what month did you come home?—I landed in Portsmouth on the 17th of July, and we went into Horfield Barracks on the 18th.

565. *Chairman.*] It must have been November that you returned to Horfield?—I had my discharge on the 24th of July 1856.

566. You came to London and remained for three months?—Yes; at least it was for 99 days from the time when I had my first discharge. Up to that time I was put on the strength of the corps; it was on the 6th of the month before.

567. You arrived at Horfield Barracks on the 18th of July 1856?—Yes.

568. You received your ship's clearance money and a gratuity of 1 *l.*, and the pass on the 24th of July?—Yes.

569. You started for London on the same day?—Yes.

570. You started for London on the same day?—Yes.

571. And you remained there for three months nearly?—Yes.

572. Did you make any application during the time you were in London?—Every other day I was writing, and all the answer was this, they sent a large letter, and there was in it a medal and clasp.

573. Sir *John Ramsden.*] You said you went back to Horfield?—Yes.

574. And that you were writing every other day to Horfield when you came to London?—Yes.

575. Mr. *Baxter.*] What about?—About the money that was due to me from Scutari and Abydos.

576. What answer did you receive?—I received no answer, but a letter with the medal and clasp. I had to send back word again that I had received it.

577. But no notice was taken of your application?—No, not a bit.

578. *Chairman.*] Was the medal a good conduct medal?—It was for being present at the Crimea.

579. On the 21st October you started on foot from Bristol, and you arrived on the 26th in London?—Yes.

 580. You

John Bowen.

23 June 1857.

580. You went to Horfield Barracks?—Yes.

581. When you got there did you give up your discharge paper?—Yes.

582. Who took it?—Major Evans.

583. What did he say?—He asked what was the claim I had, and I told him, and the reason I had been settled with, and he said, "I will put you on the strength of the corps;" and I went to the office, and Major Ireland was there, and he refused it.

584. Was this on the 6th of October?—Yes; he said, "How do I know that you belong to the corps; you might be a stranger, and come and say such a thing;" I was very foot-sore from walking to London from Bristol without a halfpenny in my pocket; and then I went down to the town and saw two or three of my friends again.

585. When was this, in November?—Five days after the first time; I was put on the strength of the corps.

586. In this 99 days that you were in London, on your return to Horfield Barracks did you receive pay for the 99 days that you were idling about in London?—I did; 12*l.* 7*s.* 6*d.* they paid me, but they never paid me for my rations.

587. You received that in addition to what you received from Scutari, did you?—I received that from Captain Hutton.

588. You are positive of that, are you?—Yes.

589. They paid you for what; for merely kicking your heels about London?—I was not a discharged man.

590. But you were discharged, as all the others had been?—They told me they did not know what I was, nor where I had been, nor did they know whether I belonged to the corps or not.

591. Had you done any more service for the corps than any of the other men who belonged to the Land Transport Corps whom you left in London?—No.

592. You received your pay for the time you were in London?—Yes.

593. Mr. *Baxter.*] You had your protection paper before you went up to London?—Yes.

594. Colonel *Pennant.*] Did you receive this 99 days' pay in addition to the 15*l.* which you said was owing to you?—Yes.

595. You received all this, being for 99 days, and 15*l.* and some odd shillings, which you said was due to you for pay in the Crimea?—I received the 2*l.* 0*s.* 7*d.* while I was in the barracks; it was due to me at Abydos when they brought my discharge; but I do not call it a discharge; and they paid me the 12*l.* 5*s.*

596. *Chairman.*] You received in the whole above 30*l.*?—Yes.

597. Are you positive of that?—Yes; I received 12*l.* 7*s.* 6*d.*, and 12*l.* 5*s.*, and 2*l.* 0*s.* 7*d.*, and my time for being in the barracks.

598. Mr. *Baxter.*] Have you got a regular parchment discharge now?—No.

599. Colonel *Pennant.*] Have you got an account book?—Yes.

600. Is it here?—No.

601. What have you done with it?—I left it at Bristol; they took it when they settled with m

602. Who signed the book?—Major Shervington.

603. Who signed the little account book?—They kept it away.

604. Who did?—I do not know; they said I should not require it any more; they kept the paper that was given into their hands for my claims, and likewise my discharge paper, it was a small book, and they gave me this discharge and paid me 12*l.* 5*s.*, which was half-a-crown less than was due to me.

605. You mean positively to say they took the account book away from you?—Yes they did, and have got it now.

606. Sir *William Codrington.*] Did you ever ask for it?—Yes.

607. And was it refused to you?—Yes.

608. Do you know the officer's name who refused it?—I do not know, but he was a corporal.

609. *Chairman.*] Was it in the orderly room?—Yes; they sent a corporal there, and brought me my discharge, and a gentleman came and gave me my month's pay due to me.

610. Up to the 6th of November you seem to have done pretty well in getting money from the corps; what did you do after the 6th of November?

How

How long did you stay at Horfield on the strength of the corps?—I was there fifteen weeks.

611. Then you stayed in barracks?—Yes.

612. What did you do?—I had to clear up the barracks, and do guard duty there.

613. How long did you stay there?—Fifteen weeks.

614. Did you receive any pay for those fifteen weeks?—Of course I had my daily pay up to the time that I came away.

615. Did you receive that in addition to what we calculated before up to the 6th of November, when you received pay up to the 29th of November, when you left for good?—Yes.

616. How much a day was it?—Half-a-crown a day and my rations.

617. You received that from the same day in November up to the 29th of January?—Yes, the same as what I had enlisted for before.

618. Mr. *Baxter.*] Have you been enlisted a second time?—No, I was on the strength of the corps without being enlisted, which of course proves I had not a legal discharge.

619. *Chairman.*] What made you leave in January?—They sent me away; they gave me the same sort of discharge as they gave this last time, but I am not a discharged man at all.

620. You are as much so as you were when you went back in November?—I consider I am not discharged, and that I am still a soldier, and I shall always remain so until I get my discharge.

621. You say that you were paid up to the 29th of January?—Yes.

622. Sir *J. Ramsden.*] Up to the time when you received your discharge a second time?—Yes.

623. Mr. *Baxter.*] You said you were 99 days in London, and you were paid at Horfield, and then you had a protection paper?—Yes.

624. Do you know any other man in the corps who had been paid after having got a protection paper?—There was one at the same time as myself, and he was there about a month before I was; he was put on the corps at the same time because they owed him the money.

625. You were not on the strength of the corps at the time you were in London, were you?—Yes, I was.

626. *Chairman.*] You came to London on the 29th of January?—Yes.

627. Did you walk up again?—No, they paid my passage up the same as they did before.

628. Paid up your expense?—Yes.

629. Since the 29th of January up to the present time, what have you been doing?—I have been knocking about, doing a day's work or two now and then in a gas factory, and sometimes doing work as a mason, but I cannot get work now, none of my masters will give me employment as they used to do.

630. Mr. *Baxter.*] Why will they not employ you?—I cannot tell; I believe they fancy I cannot do a day's work now so well as I could before I went to the Crimea.

631. *Chairman.*] When you were paid at Horfield in November, were you paid weekly?—No; I was paid as I wanted money to send home sometimes; I left it for a fortnight or a month, and drew part, and sometimes I left it for a month and drew the whole.

632. You must have received 12 *l.* or 15 *l.* more?—Yes; I received my daily pay, excepting that which they stopped me for, for barrack damages; but I do not suppose I broke a pennyworth while I was there.

633. What you received comes to near 10 *l.*?—It was about 15 weeks, while I was there.

634. Then you received about 15 *l.*?—Yes.

635. As I calculate it, you received between 40 *l.* and 50 *l.* from first to last?—Yes, it might be about that.

636. That was a good walk for you, from London to Horfield?—I should not have got it at all if I had not done so.

637. Mr. *Baxter.*] It was very good in comparison with what the other men have received?—I have walked for it and worked for it.

638. *Chairman.*] With respect to the other men, do you consider that they are entitled to it as well as you are?—Yes.

639. Do you mean to pay them another visit at Horfield?—No, I should rather have

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have it settled here; I merely want my rights, and to be discharged as a soldier ought to be discharged.

640. Mr. *Baxter.*] Have you asked for a parchment discharge?—I asked the second time, and they said, "What are you talking about?" that was the second time when they gave me that bit of paper, and I said, "This is the same as I had before."

641. Did you apply for a parchment discharge when you got that second protection paper?—I never had the chance of seeing it.

642. But did you ask for it?—I did.

643. And were you refused?—Yes; and they threatened to put me in the guard room.

644. The *Solicitor-General.*] Who was it who threatened you?—The gentleman who was writing in the guard room.

645. Do you not know his name?—No; because I suppose we had three different captains in this battalion.

646. Did you not know their names?—No.

647. Did you know any of them?—Captain Mayne.

648. Did you know any other?—A Captain Hutton.

649. Who was the third?—I cannot recollect.

650. *Chairman.*] Those were the orderly room people, were they not?—No.

651. The *Solicitor-General.*] You cannot give the names of the persons of whom you demanded a parchment discharge?—No, I cannot.

652. Can you give the name of any person who was present when you asked for that parchment discharge?—No, I cannot do that.

653. Did you complain immediately afterwards to anybody, that you had been refused?—Well, I knew one man that was a corporal; he was there at the same time.

654. What I want to know is whether when you asked for the parchment discharge and it was refused to you, did you immediately complain to anybody that it had been refused to you?—Yes; I said to the corporal, "This is the same sort of discharge I had before; why," says I, "it is not a discharge."

655. What is that corporal's name?—I forget his name now, but he was there.

656. Was it a clerk or an officer who had refused you?—It was the officer that wrote that out for me.

657. Colonel *Pennant.*] You were two months in barracks at Horfield?—Yes.

658. Was it a battalion or what was it called; was it divided into companies or troops?—No.

659. You spoke about the guard, was the battalion at Horfield divided into separate companies or troops?—No, we were altogether.

660. How many were there in the barracks of the Land Transport Corps or Military Train?—We were 35 at one time.

661. Who was the officer commanding you on parade in the barracks?—That was Major Shervington.

662. Did you complain to him about not receiving the discharge?—No.

663. Why not?—Because he would not allow me, I suppose.

664. Who did you mean by "them;" did you ask to speak to him?—No.

665. Sir *William Codrington.*] You never made any complaint to any officer on the subject of the discharge at Horfield, although Captain Shervington was the captain of the company you were in?—Yes.

666. *Chairman.*] When you received that from the officer you said it ought to be on parchment, did you?—Yes.

667. The *Solicitor-General.*] You said when you received this paper, you made a demand for a parchment discharge?—Yes; after receiving that I said it was just the same as before, and I ought to have a proper discharge.

668. To whom did you say that?—To the man who gave me the paper.

669. Was that Captain Evans?—No; Captain Evans was not there when I received that.

670. Was any officer present?—There was, and likewise his clerk.

671. Were there any officers present?—It was an officer that gave me that.

672. What was the officer's name?—I do not know.

673. You cannot tell the name of any one who was present when you asked for the parchment discharge?—No. I can only give you the names of the persons who put me on the strength of the corps; that was Major Shervington and Major Evans.

674. But

674. But you did not ask either of those gentlemen for a parchment discharge? —No.

675. Sir *William Codrington.*] Were you enlisted as a first-class driver in London?—Yes.

676. I think you said your trade is a mason?—Yes.

677. Did you know anything about horses and carts before you left?—No.

678. What was your pay?—Two shillings and sixpence a-day, and rations and clothing free; and instead of that I have had to pay for all my clothing.

679. Sir *John Ramsden.*] Was your discharge offered to you at Portsmouth; —No.

680. You were sent at once to Horfield?—Yes; the next morning. We arrived at Portsmouth in the afternoon, and stopped there that night.

681. The *Solicitor-General.*] Did you at any time since the 24th of July, when you first came up to London, ask any officer of the Land Transport Corps for a parchment discharge?—I did ask him at first.

682. What was the officer's name whom you asked first?—That I do not know now; I had been out in the Crimea for 15 months, and then coming home again and remaining there eight days, it is impossible that I should know the names.

683. You did not during that time either upon the first occasion or the second, or at any subsequent time, make any application to any officer whose name you can give for a parchment discharge?—No, I did not.

684. Sir *William Codrington.*] Was Captain Shervington at Horfield?—Yes.

685. Was Colonel Evans?—Yes.

686. Did you know them both in the Crimea?—No.

687. I thought you said you were under them?—That was in the Bristol barracks.

688. What regiment were you in in the Crimea?—Captain Mayne's and Captain Hutton's.

689. Who was the captain of the company who paid you?—There was a paymaster of the camp.

690. Were you not paid by the captain of the company?—No; he had a man under him to pay us.

691. Who was the captain of the company?—Captain Hutton.

692. I thought you said he commanded the battalion?—No.

693. The *Solicitor-General.*] Do you know the difference between a battalion and a company?—I suppose the company means the whole of the division.

694. Sir *John Ramsden.*] Do you know who was the officer commanding at Horfield when you went there in June; I mean when you were first sent there?—It was Major Ireland when I first went in.

695. *Chairman.*] Not Colonel M'Murdo?—No, I think not.

696. Sir *John Ramsden.*] Major Ireland?—No; Colonel M'Murdo I think itwas.

697. The *Solicitor-General.*] You do not complain of not receiving your pay? —No.

698. What do you complain of?—That there is six days ship's clearance money due to me on leaving Balaklava and going to Renkioi, and 99 days' rations.

699. Did you claim that?—Yes.

700. Have you given a receipt for all arrears of pay?—I have.

701. Sir *William Codrington.*] Was not that included in the 30*l.* or 40*l.* which you have received?—No, it was not; they told me it was included in the 18*l.* that I received, but it was not; there were six days going from Balaklava to Renkioi; they said the six days were in the 12*l.* 5*s.*

702. And you said it was not?—Of course; they said "Never mind that, you must put up with it; there is your money."

703. Colonel *Pennant.*] Now, with respect to this account book which you say was taken away from you at Horfield, had that been made up since your return to Scutari?—No.

704. What was the latest time that book was made up to?—The last time it was made up was at Renkioi.

705. Was there any money put down as owing to you then?—Yes, 3*s.* 1*d.* was due to me then, and then there was 2*l.* 0*s.* 7*d.* when I went and stopped at Abydos.

706. You said there were six days due to you?—Yes, there were six days' pay due to me as soon as ever I landed at Renkioi.

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707. You said there was 3 *s.* 1 *d.*?—I remained at Renkioi two days in the hospital; I left Balaklava on the 20th of December, and then landed at Renkioi, and then I stopped on board ship one day because they would not allow us to land, and they paid me two days' pay from the 26th; that was the only six days, and those six days I have never received; and then there is 6 *s.* for a pair of trousers, which they have charged me for, that I have never had. There was 99 days' rations and the billet-money, 10 *l.* 1 *s.* 1½ *d.*

708. Mr. *Baxter.*] What rations were those?—For the time I was at home last.

709. Sir *John Ramsden.*] When you were first discharged at Horfield, did you state your claims?—Yes.

710. Can you say whom you stated them to?—Yes; I went in direct to Major Ireland, and told him I would not take my discharge till I was settled with. He said, "What claim have you got? Leave it here, and then I will send it to you?"

711. And did he then take it down?—Yes, he did, in his own handwriting, and he said he would send to me; then I went into the office, and they shoved that piece of pass paper into my hand.

712. Did you know that you were going to be discharged, at the time before that was given to you?—No.

713. And you took an objection to it at the time it was put into your hands?—Yes, I thought it was not a right one; in fact, I knew it was not, because I knew a parchment discharge from a paper one.

714. Your objection was, that it was upon paper instead of upon parchment?—Yes.

715. The *Solicitor-General.*] To whom did you give that bit of paper when you went to Horfield?—I first gave it to Major Ireland, and then I went to Major Evans, and Major Evans paid me the 12 *l.* 7 *s.* 6 *d.* for the time I was at home.

716. Did you give him that paper?—I did.

717. Have you never seen it since?—I have seen it on the table.

718. But you have never had it in your possession since?—Never.

719. Was it in every respect like this that you have produced?—Yes, just the very same.

720. Are you sure it was signed by any officer?—It was signed when I had it. The officer signed it, and I had to sign my name, and they gave it over to another one to sign it.

721. You do not recollect who the officer was who signed it?—No.

722. Was it Colonel Evans?—No, it was not.

George Richard Glenie, recalled; and Examined.

G. R. Glenie.

723. *Chairman.*] WERE you present when this man was settled with at Horfield?—I did not see him paid; but I brought him up. I remember his being on the strength of the corps, because I took their orders, that John Bowen should be taken on the strength of the corps from such a date, and be paid up to a certain date.

724. Who gave you that paper?—It was read out in the orders.

725. Who was it signed by?—By Colonel M'Murdo or Colonel Evans.

726. Was it in the orders of the day?—Yes.

727. Then it exists in the books?—Yes; there was another man of the name of Winthorp taken on the strength of the corps.

728. Was he paid for remaining in London?—Yes; he was away, I think, to the best of my belief, between three and four months.

729. Sir *J. Ramsden.*] Is he here?—No.

730. Mr. *Baxter.*] Can you tell how it was that the man Bowen was paid while in London, after the protection paper was given to him?—He had a claim for back-pay with regard to Scutari, and the sergeant-major told me it was nearly 14 *l.*, because he paid him when I fetched the man up from Bristol in a fly; he was very ill, and I told the man I had to bring him up in a fly, and he said he had plenty of money, and he could pay it himself.

731. Why was he paid for the time he was in London?—Because it is specified in the Queen's regulations, that no man shall be discharged from the Queen's service unless he is properly settled with.

732. The

732. The *Solicitor-General.*] They admitted that he was not properly settled with?—Decidedly so.

733. *Chairman.*] You, and the committee of the Land Transport Corps, and the corps generally, say you have not been settled with, and you say you are as much entitled to be settled with and to have your pay as Bowen was?—Yes, most decidedly.

734. Mr. *Baxter.*] But they hold that you have been settled with?—No; it is merely from the time I have been sent away from Horfield; I want to have a Board of Inquiry to settle our claims, and give us legal discharges.

735. What is the difference between your case and Bowen's; I understand that he was paid for the time he was in London, because he had not signed the settlement and the protection paper?—It was not that he had not signed it, the document was illegal; Colonel M'Murdo took the document from him; the protecting paper had been destroyed, and he was placed on the strength of the corps; this man received the Queen's bounty, a sovereign, and a warrant to take him to London; he is then taken on the strength of the corps a second time, and he received the Queen's bounty a second time, and another warrant.

736. Bowen has stated in his evidence that he did not sign the first paper, but he offered to sign the paper as unsettled with?—Yes.

737. On which that paper was taken back again by the officer in charge?—Yes.

738. Now, as I understand it, the paper never was signed; he said he would not sign it except on the condition of saying these claims are unsettled; is that so?—I cannot say; I was not present.

739. Then you must be mistaken in regard to the reason why Bowen got his pay in London, because the reason was he had never received a signed protection paper?—Whenever a man is discharged from the service it is immediately put in the orders, and such-and-such non-commissioned officers and drivers, mentioning their names, have been struck from the strength of the corps from such a date.

740. Sir *W. Codrington.*] Do you mean to state that it is necessary it should be put in the regimental orders?—Yes, I consider it is; it has always been done at Bristol.

741. *Chairman.*] Was it done at Horfield?—Yes; and consequently he was taken on the strength of the corps a second time, and received another protecting paper.

742. Mr. *Baxter.*] You say another; had he ever received a previous one, because, he says, he declined to sign it?—He brought it up, because he says it was taken from him; but as he cannot read or write, of course it might very easily account for his not signing it, as the clerk would do it for him.

743. But he says he declined to sign it?—But the clerk would do it for him.

744. *Chairman.*] If it was a legal discharge, it was equally a discharge whether he had signed the receipt upon it or not?—Most decidedly.

745. When they gave him the paper signed as a discharge it was a discharge and protection, was it not?—Yes.

746. As I understand it, the authorities at Horfield have admitted that the first protection given to this man was not a proper document, because he had not been settled with, and because it was not indorsed with his signature?—That is of no consequence, because he only signs for the warrant and the 1 *l.*

747. The signing the receipt does not make the discharge a bit more legal or illegal, does it?—Not at all.

748. Colonel *Pennant.*] In this case it was considered that the man's claims had not been settled?—No. This man was taken on the Transport Corps, and it is impossible to know every officer's name. When I was at Bristol there were upwards of 150 officers. Lieutenant Chevallier was the officer who was in command of Bowen. Major Shervington was commanding the consolidated battalion.

749. The *Solicitor-General.*] Were you present when the man asked for a parchment discharge?—No, I was not.

750. Then you cannot supply the evidence which he could not give himself?—I can, as regards the officer. Bowen and Corporal Shand were the only parties.

751. But as a matter of fact, you were not present when he asked for a parchment discharge?—No, I was not.

James O'Niell.

James O'Niell called in; and Examined.

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752. *Chairman.*] DID you belong to the Land Transport Corps?—I did.

753. Were you enlisted as a driver?—Yes.

754. As a first-class driver?—Yes; I joined the first levy.

755. Sir *W. Codrington.*] Were you promoted afterwards?—I was.

756. As what?—As a first-class driver.

757. And then as a non-commissioned officer?—Yes.

758. What were you when you left the corps?—I was corporal and acting sergeant.

759. When did you return to England from the Crimea?—I never was in the Crimea. Three or four of us were retained and kept at the depôt. I was the orderly-room clerk.

760. When were you enlisted?—In May 1855.

761. Then, as I understand you, you have never been out of England?—No.

762. What have you been doing ever since?—I have been doing the duty of orderly-room clerk and post-office orderly.

763. What complaint have you to make?—I have to complain of 13 letters being kept back from me.

764. When were you discharged?—On the 14th of November last.

765. Were you paid up to that day?—Yes.

766. Did you receive a parchment discharge?—I did not.

767. Did you ask for one?—I did not, because there were no parchment discharges issued to any one; and I knew it was unnecessary, because it would be refused.

768. Did you receive a paper one?—Yes.

769. Who was that signed by?—Lieutenant Dollarton.

770. The *Solicitor-General.*] Were you paid up all arrears?—I was.

771. *Chairman.*] You have signed the receipt here, have you?—No; that was compensation money for clothing.

772. You say, "I hereby acknowledge that I have received all my arrears of pay, and all other demands whatever to this present day of my discharge, and the sum of 1 *l.* and a warrant to carry me back to my place of residence. Witness my hand this 14th day of November 1856. *James O'Niell*"?—Yes.

773. Then that is a receipt for every demand you have upon the Government?—Yes; but I had another.

774. Then why did you sign this?—It was a claim I afterwards made to Colonel M'Murdo for doing duty as post-office orderly, which he refused. I understood this claim had been allowed to a corporal who had been discharged about the same time I was.

775. Sir *J. Ramsden.*] When you were discharged you did not make this claim?—Yes; but I was not aware that this claim of the corporals had been allowed.

776. *Chairman.*] What was the claim?—Four hundred and eighty-three days at a shilling a day for doing duty as a post-office orderly and orderly-room clerk.

777. You say that another man in the same position received it?—Yes, and I did the duty of post-office orderly, in addition to the duty of orderly-room clerk.

778. What was that man's name?—Corporal Smith, of the 58th.

779. He is discharged, is he?—Yes.

780. Sir *W. Codrington.*] What was your pay?—I was acting serjeant, at three shillings a day.

781. Were you told that you were to have any pay as orderly-room clerk, besides your regular pay?—No.

782. Then did you get your pay?—No.

783. Was it told you that you would get any pay as a post-office orderly when you were appointed?—No.

784. What did the claim amount to?—£. 24. 3 *s.*

785. Have you any complaint to make with regard to the document that you received that it should have been on parchment?—It should be on parchment; it should be a printed paper; it is not a discharge.

786. Did you say so when you received it?—I did not, because it was not necessary; there were none given.

787. Have you written to the Horse Guards at any time?—Yes, I wrote to the Horse Guards respecting the claim for 24 *l.* 3 *s.* upon my discharge, and I stated

stated that I understood that Corporal Smith had been allowed a shilling a day for doing duty as orderly-room clerk.

788. Mr. *Baxter.*] Did Smith tell you himself that he had received a shilling a day?—He did.

789. Was that for the same time you acted?—No.

790. Was it for a subsequent time?—No.

791. *Chairman.*] Since when have you known this?—About the time of my discharge I learnt that Corporal Smith had been paid this allowance, which was made to him by Colonel M'Murdo for the duty he did, and I went to him to inquire; and he said Colonel M'Murdo had allowed it him, and he signed for it, and as I did double duty as post-office orderly and orderly-room clerk, I asked Colonel M'Murdo if he would grant it.

792. Were you in the service at the time?—Yes.

793. What answer did you receive from the Horse Guards?—They said they had applied to Colonel M'Murdo, and he would not grant it.

794. Did you apply to him?—Yes.

795. What answer did he give you?—He said he would entertain the claim, and he would endeavour to meet it.

796. Sir *J. Ramsden.*] Was that when you first made the claim?—Yes.

797. Did he say he would entertain it, and endeavour to meet it?—He answered by letter, and said he would entertain it and endeavour to meet it.

798. Colonel *Pennant.*] Have you got that letter?—I have not here.

799. Sir *J Ramsden.*] When did you make the claim to Colonel M'Murdo?—About the 1st of January last year.

800. Then you applied to the Horse Guards, not getting it from Colonel M'Murdo?—Yes.

801. And the Horse Guards referred your case back to Colonel M'Murdo, and Colonel M'Murdo told you he would not allow it?—Yes.

802. And so stand the matter now?—Yes.

803. And you have sent several letters to the Horse Guards containing testimonials of your character?—Yes.

804. What has become of them?—They are at the Horse Guards.

805. Have you applied for them?—Yes.

806. How have you applied?—By letter.

807. Have you received any answer?—I did; I applied to the Horse Guards when I sent forward my claim, and they returned me Colonel M'Murdo's reply and the correspondence I had had with Colonel M'Murdo, and I enclosed for their consideration the testimonial letters which I sent with the correspondence, and those letters they kept.

808. Sir *William Codrington.*] What was the reason of your sending the testimonial letters?—To strengthen my claim; they related to my integrity, and to my doing my duty well as a post-office orderly.

809. As I understand you, you did not make your claim as a post-office orderly until you knew that another man was paid for doing the same duty at a subsequent period?—Not at a subsequent period, but about the same period.

810. Were you both employed to do the post-office duties?—No.

811. I understood you to say that Smith got paid for doing the duty of an orderly-room clerk?—Yes.

812. Then I understand you that you made the claim immediately when you heard that Smith was to be paid for doing that duty for the same period for which you claim?—No.

813. How long did you act as post-office clerk?—From July 1855 until November 1856.

814. How long did Smith act?—For about four months,

815. Was it after November 1856; Yes, after November 1856.

816. When did you make your claim?—I made my claim to Colonel M'Murdo in December 1856.

817. Then, consequently, you did not make your claim until you knew Smith had got it for a period subsequent to the time you did the duty?—Yes.

818. The *Solicitor-General.*] Did Smith act as post-office orderly?—No, he merely acted as orderly-room clerk.

819. Sir *William Codrington.*] Why should you make your claim as post-office orderly, when Smith got the money for being orderly-room clerk?—I did the duty of both offices.

 820. I understood

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820. I understood that you made the claim for doing duty as post-office orderly?—I made the claim for both combined.

821. Did Smith receive a shilling a day in addition to his two-and-sixpence?—Yes.

822. Mr. *Baxter.*] Were there other orderly-room clerks?—Yes, half-a-dozen.

823. You had previously done the same duty as orderly-room clerk which he did afterwards?—No, he was employed in another department.

824. The *Solicitor-General.*] How much a day did you receive?—Three shillings a day.

825. Instead of acting as orderly-room clerk occasionally, you acted as post-office orderly?—Yes, always.

826. For those duties did you receive three shillings a day?—That is the pay of a soldier.

827. As a matter of fact you received three shillings a day?—Yes.

828. Smith acted as orderly-room clerk only?—Yes.

829. What did he receive?—The same pay as I did, three shillings a day as a corporal, and an extra shilling a day for doing the duties of the orderly-room clerk.

830. Do you mean to say that Smith received four shillings a day?—Yes; but I claim it principally for doing duty as post-office orderly.

831. Sir *W. Codrington.*] What is the pay of the Land Transport Corps?—Four shillings a day.

832. What is the ordinary pay?—Three shillings a day.

833. When you were appointed orderly-room clerk, did you make your claim for pay the first week?—No.

834. Why not?—I was not paid weekly.

835. Were you paid every month?—No.

836. You made no claim until the end of the 480 days?—No, I made no claim until another orderly-room clerk had been paid, and then there was a precedent; there were other orderly-room clerks who were paid a shilling a day extra as well.

837. Colonel *Pennant.*] But you were acting serjeant?—Yes.

838. Were you receiving corporal's pay or serjeant's pay?—I received corporal's pay only, although I was acting serjeant.

839. The *Solicitor-General.*] If you had not acted as orderly-room clerk, should you have made the claim?—I considered I had a stronger claim than Smith, because I did the duties of the orderly-room and post-office orderly.

840. Did you say there were other men who received this extra pay?—Yes.

841. Were they common soldiers or corporals?—They were privates, but there was one corporal.

842. Are you positive he was a corporal, or was he only acting corporal?—I think he was corporal, there were either three or four corporals in the office of the paymaster, as well as the privates who were paid an extra shilling a day.

843. Do you know whether the regulations do not refer to only a private being employed as an orderly-room clerk?—No.

844. Do you know whether the regulation refers only to private soldiers doing that duty?—I do not.

845. The *Solicitor-General.*] Are you aware that the regulation is that a private soldier is to be paid as an orderly-room clerk, and be paid as a sergeant?—No.

846. Sir *W. Codrington.*] Was not Smith the paymaster's clerk?—No.

847. *Chairman.*] Colonel M'Murdo admitted your claim at first, and said he would entertain the claim, and try to meet it?—Yes.

848. Then you applied to the Horse Guards in consequence of Colonel M'Murdo not being able to meet your claim?—Yes.

849. When was that?—About the beginning of June.

850. How many testimonial letters did you send to the Horse Guards?—Thirteen.

851. And now your complaint is that you cannot get them back?—Yes.

852. Mr. *Baxter.*] Did Colonel M'Murdo give any reason for declining to pay the money?—Yes; the reason he gave was that he understood the duties of the post-office orderly were very trifling.

853. Did

853. Did he refer to the duties of the orderly-room clerk?—He did not mention that.

854. You claimed in that capacity as well?—Yes, I claimed in both capacities.

855. But in his answer he took no notice of that claim?—No.

856. *Chairman.*] Now you say these letters were sent to the Horse Guards?—Yes.

857. Have you applied for them since?—Yes.

858. They are testimonials of character, and your complaint is that you cannot get them?—Yes, they are withheld from me.

859. If the Committee think proper to send for them, will you describe what they are?—They are 13 testimonial letters sent about the 1st of January last, with the correspondence that I had with Colonel M'Murdo.

860. Who were they addressed to?—To the Commander-in-Chief.

861. Sir *W. Codrington.*] Were they sent by post?—Yes.

862. *Chairman.*] Do you know that he received them?—Yes, the receipt of the parcel was acknowledged; the testimonial documents and the correspondence with Colonel M'Murdo were made up in a small parcel, and posted to the Commander-in-Chief.

863. What reason have they given for not restoring them?—No reason at all.

864. Have you had any answer?—No, not the slightest; I just had a letter after the first application, requesting to know the date and number of the last letter, and I returned an answer to it, and I have received no further intelligence about the letters; I wrote another letter requesting them to give me back my testimonial letters, in order that I might have no further trouble about it.

865. Sir *J. Trollope.*] Have you given the number and dates?—I have.

866. The *Solicitor-General.*] All the letters you have got back?—Yes.

867. *Chairman.*] The Horse Guards can have no object in keeping back your letters of character?—I do not know that, because they were silent about it, and I think it was done to annoy me.

868. Have you got the original letters?—The correspondence with Colonel M'Murdo was returned, but the testimonial letters were not sent back.

869. Sir *W. Codrington.*] I understand you make the claim with regard to the pay for doing the duties of post-office orderly under no specific regulation, but because Corporal Smith obtained it afterwards?—Yes, and it is a customary case at Woolwich, where there is a very large body of men.

870. Mr. *Baxter.*] What have you been doing since you were discharged?—I am in a situation in Wales.

871. *Chairman.*] Who was the letter sent by acknowledging the receipt of your parcel?—The Secretary at War, and he stated that all further communications on the subject should be addressed to him.

872. Who was that signed by?—I do not know.

873. The *Solicitor-General.*] Did you then address the Secretary of War?—Afterwards, I did.

874. Sir *W. Codrington.*] When you had written to the Commander-in-Chief, you got an answer from the Secretary of War?—Yes.

875. *Chairman.*] The letters, in all probability, are at the Secretary of War's office?—I wrote to the office then.

876. What answer did you get from him?—I got no answer; in my third and last letter I said the letters were of very great use to me, and if they were not returned to me, I should be obliged to refer the matter to a Member of Parliament for redress.

877. And you have had no answer from the War Department since then?—No.

878. The *Solicitor-General.*] Will you let us have the correspondence you have been speaking of?—Yes, I will to-morrow.

879. And let us also to-morrow see all the letters that you received from the Commander-in-Chief and the War Office?—I will.

880. *Chairman.*] What is your claim?—My principal claim is for doing the duty of post-office orderly, and I make the other as an addition.

881. Sir *W. Codrington.*] You received your pay as acting servant?—No, I received merely corporal's pay.

882. And you say Smith received that in addition?—Yes.

John Bessell.

23 June 1857.

John Bessell, called in; and Examined.

883. WERE you in the Crimea?—I was.

884. As what?—I was employed as a carpenter and joiner.

885. Did you enlist as a soldier?—I was enlisted as a soldier and driver to be placed on the corps as a carpenter.

886. Have you any claim unsettled?—Yes, 17*l.* 18*s.* 8*d.*; I was allowed 8*d.* a day as regimental pay.

887. Whom did you apply to for it?—Lieutenant Pettigrew.

888. The *Solicitor-General.*] Have you your discharge there?—Yes.

889. Sir *William Codrington.*] What was your pay as driver?—One shilling and threepence a day.

890. Did you receive it?—Yes.

891. *Chairman.*] You were in the second levy, then?—Yes, and I was to receive 5*l.* bounty, and of that I received 2*l.* 1*s.* 1*d.*

892. The *Solicitor-General.*] Can you read and write?—Yes.

893. *Chairman.*] The rest, I suppose, has been deducted for the kits?—Yes.

894. To whom did you apply for this 17*l.* 18*s.* 8*d.*?—I applied to Major Gray in the Crimea, and he said he would make inquiries, but I never had any answer about it; and then I applied to Quartermaster M'Mann, and also to Quartermaster Ebberon.

895. Have you applied to anybody since you came home?—Yes; I wrote to Horfield, and they sent no answer for three months, and then they sent to me saying they did not consider I had any claim; and when I was doing carpenter's work instead of driving, I was told I should receive that for my duties as a mechanic.

896. Who told you so?—Lieutenant Pettigrew.

897. Do you say it was Lieutenant Pettigrew?—I believe it was Quartermaster Evans; he said, "I enlisted you for ten years, and you may claim your discharge in five years."

898. The *Solicitor-General.*] What is this which you have signed: "I acknowledge to have received all my arrears of pay, and all other demands from the time of my enlistment to the time of my discharge. Dated the 19th August 1856. (signed) *John Bessell.*—Character very good. (signed) *J. Pettigrew*"?—That was already made out, and I was told to sign it, and take my discharge, and go about my business.

899. But you have signed it as a receipt for all that was due to you?—I was not allowed to read it.

900. Was Lieutenant Pettigrew there?—He was; I said I would not sign it without a character.

901. Then did you ascertain that there was no character?—Yes.

902. Did you get it?—Not just then; I had no time; there were four or five of us. I told Capt. Vokes that I did not think it was any discharge, and he told me to take my discharge and go about my business.

903. Did you complain afterwards?—I did to Lieutenant Pettigrew, and he said he would see what he could do.

904. Sir *William Codrington.*] You did not make any claim at the time you signed this?—I made a claim to Adjutant Wolner, and he said he could not assist me.

905. What made you sign a receipt that you had received all your arrears of pay, when you had not?—I understood it was only the pay I had enlisted for; not the working pay.

906. Did you ask to read that?—No, I had no time; I merely looked at it, and I said, "This is no discharge." Capt. Vokes took it out of my hand, and gave me a sovereign and a railway warrant to take me to Bristol.

907. The *Solicitor-General.*] How long was it after you received that, that you applied for the 7*l.* 10*s.*?—About a month after that I came to London; that was after I came to Bristol.

908. When was the committee formed for conducting this matter?—On the 25th of last August.

909. Had you any communication with the committee before you made a claim?—Decidedly I had; Quartermaster Austin was the secretary at the time, and I was appointed one of the committee directly afterwards.

910. Sir

910. Sir *John Ramsden.*] When you received your discharge you signed this paper, saying all claims had been paid?—Yes.

911. Did you say you considered there was still a claim outstanding?—Yes.

912. Did you state that at the time?—I did state it distinctly to the quartermaster, M'Mann, and Lieutenant Pettigrew, and I wished they would look to it for me.

913. They were the officers that gave you your discharge?—Captain Vokes was the person, Lieutenant Pettigrew signed my small book.

914. Were they standing in the same room?—Yes, when I was called in on the same morning to receive the papers.

915. When you made your claim what answer was given to you; you say you asked them to look into it for you?—Yes; they told me at the time they could not do anything exactly for me, but they would see; and Lieutenant Pettigrew told me I ought to have received it before.

916. Did he take any notice of your claim at the time of your discharge?—I cannot say whether he took any notice; I told him I should apply at Bristol.

917. He told you that you ought to have received it a long time before?—Yes.

918. That was the time he gave you your discharge?—Yes.

919. Sir *William Codrington.*] On what duties were you employed when you got to the Crimea?—To erect huts and build stables. I got there on Sunday morning, on the 18th of November.

920. Did you mention to any officer that you expected to receive additional pay for the duties you were put upon afterwards?—I did.

921. To whom did you mention it?—To Lieutenant Pettigrew and Lieutenant Watson.

922. Did you state the amount you expected to receive?—No, I did not; but they told me I was entitled to 8 *d.* a day and the additional working pay.

923. Did they say you were entitled to it as one of the corps, being a joiner?—Yes.

924. You are aware that there is a difference between working pay to a soldier and working pay to a mechanic?—Yes.

925. You say that when you were engaged to go out as a driver you were told that you should have additional pay if you worked as a joiner?—Yes.

926. Did you tell any one that you expected that additional pay as a joiner when you got out there?—Yes.

927. What amount did you receive?—Eightpence a day.

928. Do you know that was not the usual working pay of the troops?—Yes, it was; but when they were sent to head quarters they received 4 *s.*

929. The *Solicitor-General.*] The last entry in this account is 19th August 1856; that is the same date as your discharge?—Yes.

930. I find under the column, "Amount due to you as a soldier," written "Nil"?—Yes.

931. That you have signed, and Lieutenant Pettigrew has signed it?—Yes, but that is my enlistment. That is not the working pay. The working pay I have never received a farthing for.

932. This same Lieutenant Pettigrew, who stated you ought to have been paid, is the officer who signs this?—Yes.

933. And you sign it also?—Yes.

934. And then you sign a discharge admitting you have been paid everything?—Yes; I did not know what I was being paid for.

935. Have you any memorandum in writing of your claim in any shape or way?—Not here.

936. Did you put it down in writing at any time when you made the claim?—Yes.

937. Did you give it in in writing?—I sent that in to Horfield Barracks.

938. When was that?—After I came home; after I had been to the committee. Lieutenant Pettigrew told me I should receive additional pay at 8 *d.* a day, and Quartermaster Watson; and I have spoken to Quartermaster M'Mann, and he told me several times he would see about it.

939. Is not this book signed as the account between the soldier and the Government?—Yes.

940. Sir *William Codrington.*] What business are you employed in; you received 8 *d.* a day?—Yes, whenever I had employment.

John Bessell.

23 June 1857.

941. As a joiner?—Yes.

942. *Chairman.*] Were you employed as a joiner?—Yes, the whole of the time I was there.

943. Sir *William Codrington.*] You did not enlist as an artificer, did you?—No.

944. *Chairman.*] If that promise had not been made to you should you have left home?—No.

945. Sir *William Codrington.*] When was the claim first made?—Immediately after I got home.

946. To whom?—To Lieutenant Watson.

Henry Braby, called in; and Examined.

Henry Braby.

947. *Chairman.*] IN what capacity did you serve in the Land Transport Corps?—As driver.

948. In the Crimea?—Yes.

949. What complaint have you to make?—I complain of the way in which I was discharged.

950. When you returned?—Yes.

951. What have you got to complain of?—On the morning that I was discharged they turned me out of the barracks with 5*s.* only, and they took my kit away.

952. Have you any claim now upon the Government?—No; merely that.

953. No claim for any pay?—No, not for any pay.

954. Sir *John Trollope.*] Have you any claim for the kit?—Yes.

955. You paid for it yourself?—Yes.

956. Did they take it away from you?—Yes.

957. Colonel *Pennant.*] Who took it?—Captain Addis.

958. *Chairman.*] What do you value the kit at?—I had a full kit; the kit was inspected once or twice every week.

959. Sir *John Trollope.*] Was any balance due against you?—Yes, 19*s.* 7*d.*

960. They stopped 15*s.* out of the sovereign which was the gratuity given to the men on their discharge?—Yes.

961. Was that set against the 19*s.* 7*d.*?—Yes; and they allowed 4*s.* 7*d.* for the kit, which cost 2*l.* 18*s.* 6*d.*

962. What state was it in; was it complete?—Yes, complete in everything.

963. And in good order?—Yes, there were shirts in it, and everything.

964. Was the whole of it taken from you?—Yes, and they even wanted to take the tunic off my back, and would have done it if it had not been for Major Mayne.

965. Colonel *Pennant.*] Then you were under stoppage at the time of your discharge, were you not?—Yes, I was.

966. *Chairman.* Did you object to this paper discharge?—It was put into my hands and I would not take it; I told them I wished to stay till I was out of debt.

967. Sir *John Trollope.* Where did this take place?—At Bristol.

968. The *Solicitor-General.*] Is this your cross that is put to it?—No; I would not sign it myself.

969. Who put the cross?—Sergeant-major Campbell.

970. What passed then?—I was ordered out of the barracks, and was told if I did not go they would have a file of the guard to me.

971. Your complaint is for a kit which you say was taken from you, and for which you paid 2*l.* 18*s.* 6*d.*, and they only allowed you 4*s.* 7*d.* for it?—Yes.

972. If they had allowed you the full value of the kit you would have had nothing to complain of?—Yes.

973. Sir *William Codrington.*] What were you under stoppage for?—For stopped pay for being absent.

974. You were under stoppage for being absent without leave?—Yes.

975. Sir *John Trollope.*] Is there any character on your discharge?—No; no character.

976. Sir *John Ramsden.*] To what amount were you in debt when you were discharged?—Nineteen shillings and sevenpence.

977. That was the amount you had to work off?—Yes.

978. Colonel *Pennant.*] You were not in debt for the kit or any necessaries, were you?—No.

979. *Chairman.*] What have you been doing since?—I am a labourer.

980. A day labourer?—Yes, anything; I am not particular what I do.

981. But

981. But you have not applied for any permanent work anywhere?—No; I was in London for six weeks when I first came up, and had not a second shirt or anything to change myself, because all my things were taken away. *Henry Braby.* 23 June 1857.

William Alexander Burdus, recalled; and Examined.

982. Sir *John Trollope.*] WHAT was the promise that was made to you?—Five pounds clear bounty, clothing, and rations free. *W. A. Burdus.*

983. Sir *William Codrington.*] Where was that stated?—On the placard, and at the billeting offices.

984. Have you anything to prove with respect to the terms on which you were enlisted?—Yes; Captain Strange, who was the quartermaster, promised me the bounty.

985. He promised you 5 *l.* clear bounty?—Yes.

986. And the kit and clothing were to be free besides?—Yes.

987. And you found afterwards that the kit and clothing were to be deducted from the bounty?—Yes; my kit was deducted.

988. But not the clothing?—Not the clothing.

989. Sir *John Ramsden.*] Did he say it was kit and clothing, or the kit only?—Kit, clothing, and rations.

990. Sir *John Trollope.*] Were you ever offered any additional sum to volunteer for any particular service?—No.

991. What was your kit money for?—I received 10 *s.* when I was sworn in out of the 5 *l.*, and then 10 *s.* a fortnight afterwards, and then 1 *l.* 0 *s.* 1½ *d.* a fortnight afterwards.

992. Were you enlisted as a private?—Yes.

993. Were you afterwards promoted?—Yes, as a sergeant.

994. Were you then discharged?—Yes.

995. Have you any character?—I have a character from Lieutenant Mitchell.

996. Have you got a regular discharge?—No, I did not have it; it was of no use to me. My father was a soldier before me, and I knew it was not a regular discharge.

997. Is this the only paper you had?—Yes.

998. Is this entirely written out by the lieutenant himself?—Yes.

999. Colonel *Pennant.*] How long were you in the corps altogether?—Ten months and a fortnight.

1000. In the Crimea?—No; I was employed in England all the time.

1001. The *Solicitor-General.*] Were you orderly-room clerk?—Yes.

1002. What were you paid?—Nothing extra, although I applied for it, and the adjutant told me he wished I might get it.

1003. Sir *John Trollope.*] Had you been a soldier before?—No; but my father was.

1004. Did you know the rules of the service about the rations and clothing?—No; but I was told them.

1005. Colonel *Pennant.*] Was there anything in the placard about it?—No.

1006. Have you referred to the placard to see what it was?—Yes, it was clothing and rations; but not the kit.

1007. Sir *John Trollope.*] What was your pay?—Four shillings a day, after promotion.

1008. The *Solicitor-General.*] When you served in the orderly-room did you receive 4 *s.*?—Yes; I served all day, and sometimes at night.

1009. Sir *John Trollope.*] Were you employed at Horfield when the men were discharged?—Yes.

1010. Did you see the papers flung out at the gate?—Yes.

1011. Did the men pick them up?—One man picked up his, and after that another; both were sent down to the railway station under a guard, and placed in the carriage, and then the discharge and a sovereign was given to them; but those who owed any money it was deducted from.

1012. *Chairman.*] Did you hear any order given to the soldiers to fire?—I did.

1013. The *Solicitor-General.*] Not to fire; you do not mean that, I suppose?—No; the order was given to turn the cannon round, and they were loaded.

W. A. Burdus.

23 June 1857.

1014. That was not at the period of the discharge?—No; that was when they were promised their 5 *l.* a month.

1015. You say the free kit was not in the placard in the proclamation?—No.

1016. *Chairman.*] When you were orderly-room clerk, had you anything to do with making out claims upon Government?—Some of them I had.

1017. Do you know anything about Bowen's claim?—No; I was discharged at the time. I have a claim for serjeant's clothing which I bought myself—4*l.* 5*s.* 2*d.*

1018. Sir *William Codrington.*] You did not sign any release I see on the back?—It is not made up.

1019. Sir *John Trollope.*] Were you pay-sergeant yourself?—No; I was only serjeant in the orderly-room.

1020. When did you make your claim for the clothing?—Before I left; I went before the Board of officers at Bristol Barracks.

1021. When?—About the 1st or 2d of July.

1022. Before you left?—Yes.

1023. That was composed of how many persons?—Three.

1024. Sir *William Codrington.*] Did they record your services and claims in the usual way?—It was recorded and allowed, but I never received it.

1025. You did not sign anything at the time of the receipt?—No; I signed no receipt.

1026. What sort of a discharge have you got?—None at all.

1027. You were offered one of those paper discharges, were you not?—Yes, and I would not take it.

1028. Sir *John Trollope.*] Do you consider yourself to belong to the service now?—I consider myself discharged; I made a claim.

1029. Did you consider yourself entitled to extra pay beyond the 4*s.* as a serjeant?—Yes.

1030. Sir *William Codrington.*] Is there any regulation by which you can do it?—I considered I was entitled to it, because other clerks in the same office were paid the salaries.

1031. But they were privates, were they not?—No, they were acting serjeants; I was orderly private, and I made a claim for it.

1032. Sir *John Ramsden.*] You say you made a claim for clothing, and that claim went before a Board of officers?—Yes.

1033. Did they allow it?—They did, because I picked up the paper myself after it came from the Board of the orderly-room.

1034. That was just before you were discharged, was it not?—Yes.

1035. Did they take your claim down?—Yes.

1036. Did they ask what your direction was?—Yes.

1037. Did they take it down?—Yes.

1038. Did they tell you that you would be communicated with upon the subject?—Yes, and they did; they wrote to me, and sent me 11 *s.* 9 *d.*, and they asked me to acknowledge the receipt, and I wrote back to say it was not sufficient, according to what the Board allowed.

1039. Did you lay your claim generally as a claim, or did you lay it at some specific sum?—There was no specific sum named.

1040. Then they only allowed that you had a claim, but they did not allow any particular sum?—They allowed me my clim from the time I was in the corps until the time I left.

1041. The *Solicitor-General.*] What was the 11 *s.* 9 *d.* for?—They sent me that, and they said it was a claim I had for clothing.

1042. Sir *William Codrington.*] For how long did you claim compensation for clothing?—From the 1st of December to the 10th of July 1856.

1043. Had you any clothing in December?—No.

1044. No serjeant's clothing given to you at all?—Nothing given to me at the time but what I paid for myself.

1045. You were a full serjeant, were you?—Yes.

1046. The *Solicitor-General.*] Was there any stoppage against you in any way?—No.

1047. Was any reason assigned for cutting down your claim to 11 *s.* 9 *d.*?—None whatever.

1048. Were you present before the Board?—I was there with Captain Millar.

1049. Did they not give any reason why your claim was cut down to 11 *s.* 9 *d.*?—No,

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—No, they merely wrote this; I have the letter here [*The letter was handed to the Committee*].

1050. Sir *William Codrington.*] What is the difference between the serjeants' clothing and privates' clothing in the Land Transport Corps?—It is superfine cloth.

1051. It is not merely the cheferon?—No; it is trimmed with gold lace.

1052. And you had to get that out from your own pocket, had you?—Yes.

1053. Who ordered it?—Major Mayne.

1054. Was it because you had no clothing that was ordered?—Yes.

1055. Did you have it made at a private tailor's?—Yes.

1056. But you paid it out of your own money?—Yes.

1057. Sir *John Ramsden.*] The amount of your claim was how much?—Four pounds five shillings.

1058. The *Solicitor-General.*] Did they pay you your bill?—No; they returned it to me.

1059. Sir *John Trollope.*] Did you put in this claim?—I did.

1060. Sir *William Codrington.*] Now, is the amount you have put there the same amount that is allowed by Government as compensation for serjeants?—No. I claim 5 *s.* a month.

1061. You claim according to the compensation the Government allow?—Yes.

1062. You do not claim according to the bill?—No.

1063. The *Solicitor-General.*] Are you sure there are no stoppages against you, or anything of the kind?—No.

1064. Sir *John Trollope.*] Were the clothes new; had you been a serjeant long before you had them?—Yes; I wore them from December to July. There was a cap, and besides that there was a sword-belt, and there was a pouch-box.

1065. Have you any bill for that?—No.

1066. The *Solicitor-General.*] You wrote up to say that was not enough, did you?—Yes.

1067. Did you receive any answer?—No.

Robert French, called in; and Examined.

Robert French.

1068. The *Solicitor-General.*] DID you go to the Crimea?—I did.

1069. When did you come home?—I have been home nearly 11 months.

1070. Did you come to Portsmouth?—Yes.

1071. And from thence to Horfield?—No; I came to London; I was discharged at Portsmouth.

1072. Have you got your discharge here?—Yes.

1073. Sir *William Codrington.*] As what were you enlisted?—As a second-class driver.

1074. What were you before you enlisted?—A carman.

1075. In London?—Yes.

1076. What is your complaint?—I claim my ship's clearance.

1077. That is pay while you were on board a ship?—Yes.

1078. How much do you claim?—Three weeks.

1079. What is the date for which you claim?—I cannot tell exactly.

1080. When did you enlist; it was at the time of your going to Horfield, was it not?—Yes.

1081. Sir *John Ramsden.*] Can you tell about the date when you embarked; when were you enlisted?—I cannot tell exactly.

1082. Colonel *Pennant.*] Do you know what year it was in?—1855.

1083. What time of the year?—In the summer.

1084. The *Solicitor-General.*] What do you complain of?—I claim my ship's clearance money for going out.

1085. Sir *William Codrington.*] You say you cannot tell what time it was?—No.

1086. How much does it amount to?—I cannot tell.

1087. Have you ever made the claim before?—No, but I spoke about it when I was in the Crimea.

1088. Sir *John Ramsden.*] You say you never made the claim before; do you mean never until this moment?—Yes, once in the Crimea I spoke to the captain.

1089. But did you make it at the time of your discharge?—No, I did not.

Robert French.

23 June 1857.

1090. The *Solicitor-General.*] Did you make it when you signed the receipt?—No, I did not.

1091. Sir *John Ramsden.*] You did not claim anything?—No.

1092. About how much was it?—I cannot tell.

1093. Have you forgotten?—There was such confusion among the lot of us, I did not think of what it was.

1094. Was it at Portsmouth?—Yes.

1095. By whom?—Captain Vokes.

1096. Can you tell the Committee when you first landed, how your discharge was offered to you?—Why, we were called into the room, and we had this given to us one by one.

1097. Were you asked whether you wished to be discharged?—Yes; I wished to be discharged by a parchment discharge.

1098. Were you asked whether you wished to be discharged?—Yes.

1099. By Captain Vokes?—Yes.

1100. Were you paraded and asked that?—Yes, on board the ship.

1101. Was it offered to you all?—Yes.

1102. *Chairman.*] What did you say?—We said "Yes."

1103. Sir *William Codrington.*] Were you under stoppage at all before you embarked?—No.

1104. You received your pay up to the time you embarked?—No.

1105. You received your pay up to the time you embarked, did you?—Yes.

1106. How long were you going?—Three weeks going out and five weeks coming home.

1107. Were you paid for this likewise?—I was paid for coming home, but not for going out.

1108. Sir *John Ramsden.*] You say, "And for a little more;" what does that mean?—Well; I was charged for flannels, which no other driver was charged with; I was charged 19 *s.* 6 *d.*, and I was made to pay it, and likewise a pair of winter trousers; I was made to pay for two pair, while I was entitled to one pair.

1109. What is the amount of this claim for compensation for clothing?—Nineteen shillings and sixpence, and 12 *s.* 6 *d.*; it was spoken of when we were in the Crimea by Captain M'Murdo, that we were charged for the things by mistake.

1110. You claim it now, do you?—Yes.

1111. When did you state your claim for 31 *s.* 6 *d.* to the officer?—It was in the Crimea, on Saturday morning, as we embarked in the afternoon to come to England; a lot of us made the complaint to him, and he said he would intercede about it, but we have never had it.

1112. When you were discharged at Portsmouth, were you asked if you had been settled with?—Yes.

1113. What did you say when the officer who discharged you at Portsmouth asked if you had been settled with?—I said no, not for the whole of the amount.

1114. What answer did he make to that?—He said he did not know nothing about my back affairs.

1115. What did you say then?—I said nothing.

1116. The *Solicitor-General.*] When you signed this, did you know what you were signing?—No, I cannot read or write well myself.

1117. Cannot you read the print?—No.

1118. But you signed the receipt, did you not?—It is a little bit of scribbling I done.

1119. Did you know you were signing a receipt?—No, I did not.

1120. Did you ask what it was for when they asked you whether you were settled with?—I don't recollect.

1121. Sir *John Ramdsen.*] Did all the men take their discharge?—Yes.

1122. All the men who landed with you?—Yes.

1123. All of them?—Yes.

1124. None of them refused?—Well, they did refuse, because it was not a proper discharge, and none of them knew they were going to be discharged in such a manner; they thought they were going to some other foreign parts.

1125. When the men were paraded on board ship, and asked whether they wished to be discharged, did any of them say they did not wish to be discharged?—Yes, some did, and some volunteered to go into another corps.

1126. With

1126. With respect to those who said they did not wish to be discharged, what was done with them?—They were kept back, and I came away.

1127. Do you know what reason they gave for refusing to be discharged?—No.

1128. Captain Vokes did not force it upon them, did he?—No.

1129. Then, in point of fact, the taking of the discharge was entirely optional?—Yes; I made sure I was going to be kept for five years, or I would not have enlisted.

1130. But it was entirely of your own free will that you were discharged at Portsmouth?—Yes.

1131. Sir *William Codrington.*] Did you understand what was meant when you were asked whether you wished to be discharged?—Yes; but I did not think we were going to be discharged altogether.

1132. Colonel *Pennant.*] What did you think being discharged meant?—I thought it was something just like a furlough.

1133. Sir *John Ramsden.*] In fact you did not understand anything about it?—No, I did not.

1134. Sir *William Codrington.*] What company were you in?—In the E. division.

1135. Whose signature is this on this paper?—Captain Kennedy's.

1136. You say you claim for the time you were on board ship?—Yes.

1137. I see it in November, that you have signed that nothing was due to you, and you landed in the Crimea on the 13th of October?—Yes.

1138. In the month of November you signed nothing was due to you; the same in the month of December; the same in the month of January, and the same in the month of February; and in the mouth of June your officer signs that there is due to you 15 *s.* 8 *d.*?—Yes; that was the last money I received on board at Portsmouth.

1139. But still you acknowledge that you signed in November in the Crimea that nothing was due to you?—Yes.

1140. And yet you claim now money as due to you previous to that time, although you signed that it was not due; what is the reason of that?—I don't know.

1141. Have you seen the committee since?—Yes.

1142. Sir *John Ramsden.*] You said something about a parchment discharge?—Yes.

1143. When did you expect to have that parchment discharge?—When I was discharged.

1144. Were you surprised at not getting it?—Yes; and I have been refused employment because I had not got it.

1145. Did you say anything about not getting it at the time?—Yes; I said it is not a soldier's discharge; and I considered we were entitled to have the same discharge as a soldier.

1146. Who did you say that to?—To the person who was sitting alongside of me.

1147. Was Captain Vokes present?—Yes, he was.

1148. *Chairman.*] You say you have been refused employment in consequence of not having a parchment discharge; where was that?—At Pickford's, about five months ago.

1149. What did you apply for?—For employment.

1150. The *Solicitor-General.*] Who did you apply to?—To one of the head clerks.

1151. Was he a Quaker?—I don't know; his name was Gwynne.

1152. Is he there still?—No; I was there yesterday to bring him up, but he has left, and I did not inquire where he was gone to.

1153. Sir *John Ramsden.*] You say you went there to bring him up?—Yes.

1154. What did you want to bring him up for?—To prove that I was refused employment.

1155. Who told you to go?—I did it on my own account.

1156. Sir *William Codrington.*] Why were you refused?—Because he said that this was not a legal discharge.

Robert French.

23 June 1857.

1157. When you went in to him, did he ask you whether you had been in the Crimea?—No; I said what I was, "I worked about three years ago here, and left because I ran over a child."

1158. Did you tell him where you had been since?—Yes, and he asked me if I had anything to show for it, and I said "Yes, I had my discharge."

1159. Did you show him that?—Yes.

1160. Is there any character upon it?—I don't know.

1161. There is no character upon it?—I did not know it.

1162. *Chairman.*] He objected to you, did he?—Yes.

1163. Why?—Because I was not legally discharged.

1164. Did he object to it because it was not on parchment?—Yes; he said if it had been a parchment discharge I might have got employment.

1165. Then it would have had a character upon it, would it not?—Yes.

1166. Colonel *Pennant.*] Supposing that you had had no character, do you think that you would have got employment then?—No.

1167. Sir *John Trollope.*] Have you had any employment since you have been home?—I have worked with my father a little, now and then.

1168. *Chairman.*] Is there anything against your character?—No.

1169. Sir *John Ramsden.*] You said that you did not understand what the discharge meant, and that you thought it was a sort of furlough?—Yes.

1170. And you said you expected you were going to be kept on?—Yes.

1171. Sir *Wm. Codrington.*] Why did you ask for a parchment discharge if you did not understand you were going to be discharged?—It was not until after I had my discharge.

1172. You said, just now, you did not understand you were to be discharged?—No.

1173. When was it that you first understood it was a discharge?—After I came out I got into conversation with some of my comrades, and I showed them my discharge, and they said it was not a legal one.

1174. If you had got a parchment discharge at Portsmouth, would you have been willing to be discharged?—Yes.

William Bird, called in; and Examined.

William Bird.

1175. WHAT were you in the Land Transport Corps?—I was enlisted as a third-class driver.

1176. When did you return?—On the 6th of August; discharged on the 13th.

1177. By whom?—Captain Vokes.

1178. Sir *John Ramsden.*] When did you enlist?—On the 18th of August 1855.

1179. *Chairman.*] You say you were discharged by Captain Vokes?—Yes.

1180. What paper did you receive?—It was a paper similar to the other papers; they are all alike.

1181. Where is it now?—Mr. Reeve, the pay-serjeant, detained it.

1182. Where?—Over in the Belvidere-road; I went there twice after the compensation money, but I did not get it then, and I sent my wife on the 6th of January, I think it was, and when she got in they gave her 13*s.* 6*d.*, and she asked for the paper back, and they told her she could pass on.

1183. Sir *John Ramsden.*] Where were you discharged; at Portsmouth?—At Gosport.

1184. *Chairman.*] Have you got anything at all to show that you are discharged?—Nothing at all.

1185. Have you got any protection paper?—No; because they took it away from me.

1186. In that case, is there anything to prevent you being taken up as a deserter?—No.

1187. What claim have you upon the Government now?—I consider my pay is going on till the time I am discharged.

1188. When they gave you the discharge, did you object?—I did at Browndown, because I was told I should be kept in the service for five years.

1189. Who was the consent paper filled up by?—The magistrate; here is the attestation

attestation paper, and he told me by word of mouth that we could claim our discharge at the end of five years.

1190. Sir *William Codrington.*] Did the magistrate read these questions to you?—Yes, afterwards.

1191. After what?—After I had been with the clerk.

1192. He read them to you himself, did he?—Yes.

1193. Did he read this to you: "Are you willing to be attested to serve in the Land Transport Corps for the term of 10 years, provided Her Majesty should so long require your services"?—Yes.

1194. What did you understand by that?—I understood by that, of course, that I should be kept for 10 years, either in the Crimea or anywhere else; but what he told me was different; he said they would positively keep us for five years, or we could claim our discharge at the end of five years.

1195. What do you suppose is the meaning of these words: "Provided Her Majesty should so long require your services." Suppose she should not require them for five years, do you consider she is bound to keep you for five years if she should not require your services for more than a twelvemonth?—Well, I should not think that a married man would go away from his home for 12 months.

1196. But still you had this read to you?—Yes.

1197. Did you not pay attention to those words: "Provided Her Majesty should so long require your services"?—Yes, I paid attention to it, but the magistrate told me I should be positively kept for the five years, and, therefore, I did not take much heed of that.

1198. Are you sure he did not tell you that you should be kept for five years, or to the end of the war?—He said I could claim my discharge in five years or at the end of the war.

1199. Did he tell you anything else besides that; that you could claim your discharge at the end of five years?—He said I could if I required it, but I should be kept for that time.

1200. *Chairman.*] Where was this?—At Westminster.

1201. Should you have enlisted unless you had been told that?—I should not for that short time.

1202. Sir *William Codrington.*] Do you mean you would not have enlisted on the chance of being kept for that time?—No, I would not; not for 12 months.

1203. Would you have enlisted for two years or three years?—I might for two or three years, but the question was not put.

1204. But you had that read to you?—Yes.

1205. *Chairman.*] But you say you would not have enlisted unless you had understood that you were to be kept for five years certain, provided you had thought proper to be kept?—Yes.

1206. You would not have broken up your home for a short period?—No, I would not.

1207. What was your home?—I had no particular home.

1208. Had you a wife?—Yes, I had a wife, and she was confined three weeks afterwards; and the only reason I can state for detaining the protection paper was because it was made out wrong entirely; the number was wrong, and the place where I was born was wrong.

1209. You have now neither parchment nor protection paper?—Neither.

1210. Sir *John Ramsden.*] You say you objected at Browndown to being discharged in less than five years; who did you make that objection to?—To Captain Vokes.

1211. What did he say?—He said he had nothing to do with our enlistment; he said he was sent to discharge the men and to give them a sovereign; I said I thought a sovereign was not sufficient.

1212. Did he not ask you first whether you were willing to be discharged?—No.

1213. Were you not paraded on board ship, and told you might be discharged if you wished?—No.

1214. What ship did you arrive in?—In the "Pacific."

1215. Were you paraded on board ship when you landed at Gosport?—No.

1216. What was done with you?—When we landed the haversacks were opened to see what we had got, that we had no smuggled tobacco, and then we were marched up to camp.

William Bird.

23 June 1857.

1217. And when you got to camp did they parade you?—They never paraded me.

1218. Sir *William Codrington.*] But you were marched to camp; what was done then?—We were requested to take our discharge.

1219. Sir *John Ramsden.*] When was it you were first told that there was a probability of your being discharged?—We knew nothing of it till the night previous.

1220. On the 12th of August?—Yes.

1221. How did you get to know it then?—Sergeant Major Bell told us.

1222. He told you that you were about to be discharged?—Yes.

1223. Did he tell you anything else?—Nothing else.

1224. Did you ask him any questions?—No, we asked him nothing about it.

1225. Did any one of the men ask in behalf of the men generally?—Well, we were not paraded at all, and we were told just as you may say separately, as he saw us about the camp.

1226. Then I suppose in fact you gave him no answer?—I gave him no answer.

1227. Well, the next morning what did you do?—The next morning we had to pull down the tents, and go to the hut or place to be discharged; when I got there, there was a sovereign given to me in my hand, and I was told to sign some paper.

1228. How did you go there, were you marched?—No, we walked.

1229. You walked up to the table?—No; we were called in.

1230. When you were called in what happened?—He put down a sovereign, and told us we were to be discharged.

1231. Did he ask you whether you were willing to be discharged?—No; the question was never asked.

1232. What did you say?—I said I refused the discharge; I fancied the others all took it, and Captain Vokes said he had not come for anything but to discharge us; and then I took it.

1233. You say you distinctly refused to be discharged to Captain Vokes?—I did; I refused it two or three times.

1234. What was your regimental number?—2837.

1235. Did you say you had any claim outstanding?—No, I did not say anything about that; I considered that there was money due, which they had stopped at Horfield Barracks, 2 *l.* 19 *s.* 2 *d.*

1236. When were you at Horfield?—On the 22d of October.

1237. Before you went to the Crimea?—Yes.

1238. You did not say anything about it to Captain Vokes?—No, all I spoke about was the discharge.

1239. You did not bring forward the claim at all?—No.

1240. Then Captain Vokes had no knowledge that you had any claim unsettled? I am not aware that he had; he did not ask me, and I said nothing to him about it

1241. Colonel *Pennant.*] What were you before you enlisted?—A tobacco-pipe maker.

1242. What were you enlisted as?—As a third class driver.

1243. At what rate of pay?—One shilling and three-pence a day.

1244. Sir *William Codrington.*] Did you know anything about horses?—No, I knew nothing of horses.

1245. Sir *John Trollope.*] Could you ride?—No, very little; I had had no practice.

1246. Were you drilled before you went out and taught the business?—I was drilled, but I had nothing to do with horses.

1247. You had to ride when you got out then, had you not?—Yes.

1248. And to look after the horses?—To look after the mules.

1249. Colonel *Pennant.*] You were a tobacco-pipe maker before you went, and when you got there you received higher pay than the soldiers in the infantry?—Yes.

1250. Sir *John Ramsden.*] Did Captain Vokes say you must take your discharge when you refused?—He positively told me I must take it; all the others had taken it, and so must I; they were the very words he used to me.

1251. And

1251. And had all the others taken it?—Yes; up to that time I did not know of any refusing. *William Bird.* 23 June 1857.

1252. Do you know of any other men besides yourself refusing to take it, and being compelled?—No, because as soon as I took mine I came away.

1253. Before that there were none?—No, not that I am aware of.

Jovis, 25° die Junii, 1857.

MEMBERS PRESENT.

Mr. Baxter.	Sir John Ramsden.
General Codrington.	The Solicitor General.
Mr. Duncombe.	Lord A. V. Tempest.
Colonel Pennant.	Sir John Trollope.

THOMAS SLINGSBY DUNCOMBE, Esq., in the Chair.

George Richard Glenie, Re-called; and Examined.

1254. *Chairman.*] YOU stated the other day, when you were examined, that you had a claim on the Government?—Yes. *G. R. Glenie.* 25 June 1857.

1255. How much does it amount to?—£.5 10*s.* 8*d.* that was stopped from my daily pay; 1*l.* 15*s.* for conducting money.

1256. What is conducting money?—For conducting recruits from London to head-quarters at 2*s.* 6*d.* a head; and 11*s.*, field allowance at 6*d.* a day.

1257. General *Codrington.*] Was that in England?—No, in the Crimea.

1258. *Chairman.*] Have you received any portion of that?—I have not.

1259. What was the 5*l.* odd for?—It was stopped out of my daily pay, before I went to the Crimea, when I was in charge of a detachment at Devonport. I paid the men from the 16th of May to the 31st, and that left a balance due to me of somewhere about 17*s.* odd. For the month of June I paid 45*l.* 10*s.* 8*d.*, and out of that 45*l.* 10*s.* 8*d.*, I received in three separate payments of Mr. Sewell the different sums of 10*l.*, 20*l.* and 10*l.*, making in all 40*l.*, leaving a balance due to me of 5*l.* 10*s.* 8*d.*

1260. You still claim that money, do you?—Yes, it was paid to me by Mr. Sewell's order; it was paid by Mr. Hutton.

1261. Did you claim that money when you were at Horfield?—Yes, and likewise at Chatham, upon my return, and all they remitted to me was 6*l.* 7*s.*, that was 6*l.* 4*s.* for my month's pay, and 3*s.* field money.

1262. Did you go before any Board to have that claim investigated at Horfield?—Yes.

1263. What was the report from the Board?—I do not know.

1264. You stated, in your evidence the other day, that the Board made no report?—Yes.

1265. How do you know that?—I have had it from Serjeant Dermond and an orderly-room clerk.

1266. Is the orderly-room clerk here, or Serjeant Dermond?—No, they are summoned for to-morrow; upon which Major Shervinton said I was to go before Colonel M'Murdo, and I went before him, and Colonel M'Murdo said the Board had decided against me, and he should certainly place me under arrest for attempting to defraud Lieutenant Sewell out of the 5*l.* 10*s.* 8*d.*

1267. Were you placed under arrest?—I was under arrest for 22 days, and then the Serjeant-major came to me and said if I liked to forego my claim I could be released.

1268. Did you forego your claim?—I did, because the Serjeant-major told me if I did not, I should be tried and get two years' imprisonment.

1269. I thought you stated the other day you were 19 days under arrest?—Yes, but I was not released till three days after that.

1270. General *Codrington.*] Did you sign any paper?—Yes.

G. R. Glenie.

25 June 1857.

1271. Where is it?—I do not know, it is not in my possession; this is the original, I sent a copy. I objected to give this, upon which Serjeant O'Neall made these erasures [*pointing to a paper he held in his hand*] on account of my objecting to giving this paper.

1272. Do you say on account of your objecting to sign the paper?—Yes, because it was my intention to take it into a civil court after I was discharged from the service.

1273. *Chairman.*] Then by what you state you consider you purchased your release by abandoning a just claim?—Yes.

1274. Do you still maintain it is a just claim?—Yes, it is.

1275. Did you ever ask to be released before they proposed to you at Horfield to abandon the claim, and thereby get released?—Major Ireland sent to me to know if I would forego the claim; I told him no, I would not, it was a just claim for money I had paid out of my own pocket, and I was entitled to have it, upon which he told me he thought I was a foolish young man, that I had better abandon the claim and be released; upon which, I said it was a just claim, and then he said, "Then we have no other resource, and we must try you by court-martial for attempting to defraud;" and I was then taken back to my room, and then there was one of the orderly clerks came to me.

1276. What was his name?—His name was Reaks, and he persuaded me very much to forego the claim; I said I would not, I had better be tried.

1277. General *Codrington.*] What did he say to that?—He said he thought I was foolish, because he said it is no matter whether the money is due to you or not; you know very well how they will bring it in.

1278. Who said that?—Reaks.

1279. *Chairman.*] The orderly-room clerk?—Yes.

1280. Is he at the orderly-room now?—No.

1281. Where is he?—I do not know.

1282. General *Codrington.*] He was a serjeant in the corps at that time, was he?—Yes.

1283. *Chairman.*] Then you abandoned the claim, did you?—The serjeant-major came to me repeatedly and gave me a description of the military prison at Dublin, and he told me I should get two years' imprisonment if I did not forego it.

1284. What did you do after that?—After that I got my release.

1285. General *Codrington.*] How did you get your release?—Major Shervinton sent it over to me and said I was released.

1286. Did you not do something in order to get the release?—Yes; I sent a copy of that paper.

1287. Did you sign it?—Yes; in order to get my release, I signed that paper; I wrote out a copy of this document, and Serjeant-major Sutchford said unless I gave it I should be tried, and I should get two years' imprisonment.

1288. Did you sign the paper?—I gave him the paper, and he took it over to Major Shervinton.

1289. Signed?—Yes.

1290. Do you, by that paper, abandon the claim to the money you had previously claimed?—Yes.

1291. *Chairman.*] But you maintain that you signed it under coercion?—I signed it because I was persuaded that, if I gave it up, I could seek my redress elsewhere, and could take it into a civil court.

1292. General *Codrington.*] What do you mean by coercion?—I was frightened out of it; it was got from me while I was in prison.

1293. Colonel *Pennant.*] You said that Serjeant-major Sutchford told you, that, if you did not sign it, you would be tried by a court-martial, and get two years' imprisonment?—Yes.

1294. Are you sure that these are not the words he used, "If you were found guilty"?—Yes.

1295. *Chairman.*] You stated he said, he knew how they would bring it in to a certainty?—Colonel M'Murdo told me, that documents would be produced against me by Lieutenant Sewell, and my receipt for 5*l.*; now, I never gave that receipt, and for that reason he stopped the 5*l.* 10*s.* 7*d.* out of my pay, and that makes the money right I had overdrawn; if you take 5*l.* 10*s.* 7*d.* from 51*l.* you will find that that will make up the difference; it will make 45*l.* 10*s.*, and therefore it could not be correct.

1296. You

1296. You are positive that Colonel M'Murdo told you, that Lieutenant Sewell had this receipt?—Yes; he told me he would produce vouchers to the amount of 51 *l.*; I told him I had not seen them.

1297. *Chairman.*] Is the Committee to understand that you deny the power of Lieutenant Sewell to produce the receipts, and that you never signed them?—I never signed them, and never saw them; not those two pieces of paper folded up in this manner. At the court of inquiry, Major Shervinton said, "Is that document in your handwriting?" and I said, "Yes, I thought it was."

1298. Do you mean to say if there are any such receipts in existence they are forgeries?—I do; and another thing, Lieutenant Sewell promised in the presence of a witness on the Friday, as the court of inquiry took place on the Monday, that he would pay me; he also previous to that came up into my room, and he said he could not make out why I had not been settled with, and he thought Captain Hutton had paid me.

1299. General *Codrington.*] Was this previous to the court of inquiry?—Yes.

1300. Mr. *Baxter.*] Did you not ask Lieutenant Sewell, then, whether or not it was true?—This was previous to the conversation with Colonel M'Murdo.

1301. *Chairman.*] Is Lieutenant Sewell in London?—I do not know.

1302. Mr. *Baxter.*] You have not seen him since Colonel M'Murdo made that statement to you about the receipt?—No.

1303. General *Codrington.*] Did the Serjeant-major or Major Ireland, when they mentioned to you about the court-martial, tell you what sort of a court it was?—A district court.

1304. Do you know how many members it is composed of? Is it not composed of seven members?—I think it is six; but I have never been before one, and I do not know.

1305. Was it your opinion that seven English officers would not do you justice?—If I had not been allowed to see the receipts they said they had I could not tell; if the court-martial was hushed up like the court of inquiry I should not have had justice done to me.

1306. Have you any reason to believe that before any court-martial a question is hushed up?—I have never been before one, except one or two with the prisoners; I thought it very hard that when I wished to see the receipt I was refused.

1307. *Chairman.*] But the person who suggested to you that an improper verdict would be brought in was a serjeant of the corps there?—Yes.

1308. You did not suggest it yourself?—Decidedly not.

1309. General *Codrington.*] Did he suggest that an improper verdict would be brought in?—Yes; it was tantamount to it; and then he referred me to a case of an assistant quartermaster in the Crimea, who was tried by a court-martial; he had eight witnesses, and they would not allow them to be called in.

1310. Was he found guilty by the court?—Yes; and reduced.

1311. Colonel *Pennant.*] Who do you mean by they?—The man in the room there, Serjeant Howard.

1312. Who spoke to you about the military prison?—Serjeant-major Howard.

1313. Did he describe the system?—Yes; how they were worked.

1314. Was that with a view to make you sign the document?—Whether it was done in joke or not, or for chaff, I cannot say; he used to come frequently of an evening and sit and smoke with me.

1315. *Chairman.*] What further complaint have you to make against the authorities?—I am entitled to 1 *l.* 15 *s.* for conducting money, and I am entitled to 11 *s.* for field allowance.

1316. Have you applied for any of those sums, apart from the alleged fraudulent claim?—Yes; to Captain Smith, at Horfield.

1317. Have you applied to the authorities in London?—No; it was not my place to inquire there, my duty was to inquire of my officers; that is where I inquired.

1318. What answer did you get from Captain Smith?—He told me he knew nothing at all about it; I was to consider myself as lucky in what I did get.

1319. But, as I understood you, you got nothing?—There was some back pay due to me, about 8 *l.*; I got that.

1320. When did you get that?—It was sent to me from the War Office to Horfield,

G. R. Glenie.
25 June 1857.

Horfield, after many applications, and paid to me by Paymaster Reeves; he sent for me.

1321. When did you leave Horfield?—On the 22d of December.

1322. Have you any other ground of complaint?—No.

1323. I think you stated that you had had some communication personally with Colonel M'Murdo?—In the presence of the officers.

Colonel *Montague M'Murdo*, called in; and Examined.

Col. *M. M'Murdo.*

1324. *Chairman.*] IN the evidence of Mr. Glenie given on the 22d of June, there is this question put by the Chairman: "If there had been a regimental board sitting, would you have brought this under their notice? Yes." "Did you not, in coming home, make a claim at Horfield? I did." "Before Colonel M'Murdo? I did several times." "Before whom? I sent it lastly to Colonel M'Murdo, and there was a board of inquiry to sit upon my claim, and Colonel M'Murdo and the officers, two days previous, promised to pay me." "Where did this court of inquiry sit? At Horfield Barracks." "Did you go before it? Yes; I was let in, and asked two or three questions, and sent out again, and they would not allow me to see the body of a paper which was shown to me." "Were you not put under arrest for making the claim? Yes." "Were you under arrest at the time you went before the board of inquiry? No; Colonel M'Murdo said he would put me under arrest; Colonel M'Murdo took upon himself to place me under arrest."—"General *Codrington.*] Has not a commanding officer power to put a non-commissioned officer under arrest? I do not know."—"The *Solicitor General.*] Was Colonel M'Murdo present when the document was turned down, and not shown, do you know? No." "Who was present? Major Shervinton." "Was that previous to, or after your discharge? Previous to my discharge."—"Lord *A. V. Tempest.*] Who constituted this board? Two officers and Major Shervinton."—"*Chairman.*] You succeeded Austin, did you not? Yes." "You have heard your predecessor, Mr. Austin's examination; have you not? Yes." "Have you anything to state in addition to what he has said? Yes; in the first place we complained that Government has not fulfilled their contract as regards the enlistment; in the next place, that we are discharged in an illegal manner." "That is merely on the same ground that Austin put it? Yes; but perhaps I can explain it better than he did." "Have you anything to add to what Austin stated? Yes; I have several men here who have got back pay due to them; a number of men were told they were enlisted for five years, and they should not be discharged before the five years were up: and the next document that we saw was that from Colonel M'Murdo, which was the reason for petitioning the House. Colonel M'Murdo says, no man knows the binding nature of a bargain better than an Englishman. We are asking for a gratuity only; that is the only way of obtaining redress. We say, as we know the binding nature of a bargain, perhaps you will have the kindness to let us have our legal discharge, and perhaps you will pay us; I told Mr. Frederick Peel I should expect my legal discharge, and my pay; and I expect that to be signed, not only by an officer, but by the Adjutant-General as well." Do you wish to make any statement to the Committee upon that?—The statement I should make, in the first instance, will be connected with the court of inquiry that assembled at Horfield to inquire into Glenie's claim against Lieutenant Sewell for 5 *l.* 10 *s.* 7 *d.*, which Glenie alleged Lieutenant Sewell owed him. When I arrived from the East at the end of August, and found the Land Transport Corps being rapidly discharged without their claims being settled, I ordered the several battalions to Horfield, and boards of officers to be held in each battalion to investigate and so far as possible to settle the claims of the men being discharged, or who had been discharged; the system was for these boards to settle with their own men, but if any particular or special claim was made by the men, that these boards were not competent to enter into, the matter was referred to me; Glenie's claim was one of those which were referred to me; the officer under whom Glenie had been serving at the time of the claim which he made was an officer of utter inexperience, and whose accounts had been in great confusion, and I thought it necessary, for the protection of that officer, to place his accounts, in regard to this claim, before a board of officers. I did so, and the opinion of the board is as follows: "The Board having examined the various receipts produced, the signatures to which having been shown to, and acknowledged by, Serjeant Glenie as his receipts, given to Lieutenant Sewell,

Sewell, find, that in addition to the sums acknowledged by Serjeant Glenie, that there were further sums received by him to the amount of 11 *l.* 10 *s.*; on the 5th of June, 10 *l.*, on the 10th of June, 1 *l.* 10 *s.*; total, 11 *l.* 10 *s.* The Board having heard all the evidence respecting the claims of Serjeant Glenie of the First Battalion Land Transport, are of opinion that with respect to his claim upon Lieutenant Sewell, that his claim is unfounded; and that he would appear from the documents produced to be in debt to that officer the sum of 5 *l.* 19 *s.* 5 *d.*; and further, with respect to his claim for pay for the month of August, 3d to 31st, that the same can be recovered by the paymaster notifying the claim to the Secretary of State for War, and until Paymaster Cassidy's reply has been received with respect to the 15 days of September, the Board cannot arrive at any decision as to the validity of the said claim." The last paragraph is respecting his field allowance.

1325. General *Codrington.*] By whom is that signed?—By Major Shervinton.

1326. Who was present, and who were the members?—The chief paymaster, Mr. Reeves, and Lieutenant Farville of the Fourth Battalion of the Land Transport Corps.

1327. *Chairman.*] I think the report states that Glenie's receipts were shown to him?—Yes, and the receipts are here. The President of the Board thought it necessary not to show the body of the receipt to Glenie, but merely his signature; he said, "Is that your signature?" Glenie said, "Yes, it is;" he showed them successively, and then he recorded the receipts.

1328. Why did he not show the body of the document?—Major Shervinton is here, and he will answer that question himself.

1329. Were you present at that time?—No.

1330. Colonel *Pennant.*] Is the Committee to understand that after the end of August, boards were not held upon the discharge of the men?—Yes.

1331. The usual boards prescribed by the regulations?—No, I was ordered to discharge the Land Transport Corps after a certain fashion, which was not in accordance with the regulations for the discharge of individual soldiers.

1332. These were special cases of disputed claims, and they were referred to a board for the purpose?—Yes.

1333. Mr. *Baxter.*] From whom did you receive that order?—The corps was discharged before I arrived in this country, and when I arrived I found them being discharged in what I thought an irregular manner; I demanded the authority under which these things were done, saying, that the men of the Land Transport Corps were entitled to be discharged in a proper way; and the officer ordered upon the duty of discharging the Land Transport Corps produced his authority.

1334. Colonel *Pennant.*] He produced to you an authority under which he was acting from a superior authority?—And I ordered that every exertion should be made to settle the men's accounts, as well as they could be settled under the existing circumstances.

1335. Have you any objection to stating whether the authority was from the Commander-in-Chief's office, or from the War-office?—It was from the office of the Commander-in-Chief.

1336. *Chairman.*] Then you are not at all responsible for the men being dismissed without a proper tribunal having sat upon their discharge up to the end of August?—Certainly not, nor even after that; I remonstrated about the manner in which they were discharged.

1337. Who with?—With Mr. Peel.

1338. At the War-office?—Yes.

1339. What was the answer?—It was to discharge the corps quickly; but that I should have authority to take men upon the strength of the corps, such men as had heavy claims against the Government, and were unwilling to be discharged. I did so in several individual cases, but the mischief had been done before, because the men had been dispersed all over the country, and I could not fully act upon the authority.

1340. What were the grounds upon which you made that remonstrance to Mr. Peel?—Upon what I stated before, namely, the irregular manner of the discharge of many of the men.

1341. What was that?—Not holding boards; and the fact of discharging a soldier without settling his claims.

1342. Then I understood you to state that you also remonstrated with Mr. Peel upon the men being dismissed with these protection papers, instead of the regular

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parchment discharge?—No; I merely generally remarked upon the manner in which the men were being discharged; I did not refer to the particulars, because there are the regulations to go by; but I remarked in my letter, as well as my memory serves, upon the irregular manner in which the men were discharged, without having their claims previously settled, which could only be done by the proper board.

1343. The irregularity consisting in there being no board, and the men not having received a parchment discharge?—Yes.

1344. Although you did not mention it in your letter?—The fact is, that the soldiers being entitled to it, I ordered parchment certificates to be made out for all the men who asked me. I prepared them, and I then took them to the Adjutant-general, and asked for permission to give them to the men; I was told I must continue to act under the orders previously given, and that the protecting certificate only was to be the document of discharge. My hands were, therefore, tied, and I could only answer a man who applied for a parchment certificate what I was told; namely, that it was a legal document.

1345. General *Codrington.*] From whom did you get your authority?—I went to the quarters of the Adjutant-general's office connected with the discharge. Captain Sayers was sent by me up to the Adjutant-general's room, to ask permission to give the men parchment discharges.

1346. *Chairman.*] Do you recollect an answer that you wrote up to a memorial that was presented?—Yes.

1347. Sir *John Ramsden.*] What was the date when you made this application to the Adjutant-general's office?—I think early in September.

1348. Was that before you saw Mr. Peel, or after?—I cannot say, but I believe it was before.

1349. When you were in London; the same time?—Yes.

1350. *Chairman.*] You answered a memorial that was given to you by a man of the name of Austen?—Yes.

1351. In that you stated to him that which you have stated to the Committee; namely, that you had been told the protection certificates were valid discharges?—Yes.

1352. Your authority for stating that to him was the communication that was made to you at the Horse Guards?—Certainly.

1353. General *Codrington.*] Now, perhaps, you will continue your statement?—When the proceedings of the board were laid before me in Glenie's case, I examined them for the purpose, as it was my duty to do; and I saw at once there was matter for a conviction by a court-martial.

1354. Colonel *Pennant.*] When Captain Sayer had seen the Adjutant-general, what was the answer about discharging the men?—That I must proceed as previously ordered with the protecting certificates.

1355. *Chairman.*] But supposing a man had been discharged under a protection certificate, and it turns out to be a valid document, can a man be taken upon the strength of the corps again without being re-attested?—Well, I had a special authority to do so.

1356. Is it ever done?—I never knew a case of such a kind before.

1357. A man that has been discharged cannot be put upon the strength of the army again without being re-enlisted, can he?—The whole thing was considered by the Secretary at War as such a special case, that I fancy if he could discharge a soldier in that manner, he could cancel the discharge for the time being.

1358. Then a man is discharged, and his enlistment depends upon the Secretary at-War?—So it would appear in this case, but I am not advocating it.

1359. That is the only way to account for it?—Yes.

1360. Mr. *Baxter.*] Are you aware of any orders proceeding from the Secretary-at-War to the effect, that the men were to be dismissed in a different manner from the regulations?—Yes, inasmuch as the Adjutant-general acts under the Commander-in-Chief; the Commander-in-Chief may do it.

1361. Colonel *Pennant.*] Would not these questions be questions which ought to be answered by the Judge Advocate?—Yes.

1362. Sir *John Trollope.*] Did you ever see any written order to that effect?—Yes.

1363. Could it be produced?—Yes.

1364. By whom?—By Captain Vokes.

1365. That order was not issued to you?—No.

1366. You were in the East at the time?—Yes; while upon that subject, that order being repeated to me, that I was to continue with the protecting certificates, a couple of months after I got authority from the Adjutant-general to give all the men parchment certificates that chose to apply for them.

1367. General *Codrington.*] Was that some months after your return?—Yes.

1368. Colonel *Pennant.*] Did many of the men avail themselves of that?—No, very few.

1369. *Chairman.*] They were not aware of it, I suppose?—Yes, they were.

1370. How could those that were in Ireland and Scotland know anything about it?—I mean to say there were very few in comparison with the 8,000 men, but there were several hundreds that did avail themselves of it.

1371. Was the order published in the Gazette?—I think it was published in some shape or other.

1372. But you do not know in what way?—No.

1373. I find you drew out certain regulations for the formation of this corps, and that you submitted them to the Duke of Newcastle, who was then the Secretary-at-War?—Yes, it was done very hurriedly.

1374. They are addressed to the Duke of Newcastle and approved of by him?—Yes.

1375. Among those I find that which quite coincides with your present opinion, this is the 21st section; I believe it is taken from the Mutiny Act, which forms the condition upon which this Land Transport Corps was formed: "Soldiers, having been enlisted and sworn, shall not be dismissed our service without a discharge or certificate, granted according to the general order on that head, which shall be in force at the time of granting the discharge. No soldier shall be discharged, whether for unfitness or for any other cause, unless his services, conduct, character, and the cause of his discharge, be ascertained before a regimental board, as hereinafter provided"?—Yes.

1376. These are dated in 1854?—Yes.

1377. All the men that were discharged previous to your arrival from the Crimea were not discharged in accordance with this regulation?—Certainly not; because the orders of the Adjutant-general supersede mine.

1378. But they were not discharged in accordance with the regulation suggested by you, and approved of by the Duke of Newcastle?—No.

1379. Now, will you proceed with Glenie's case?—Upon reading the proceedings of the court of inquiry upon Serjeant Glenie's case, I put it in the light of an examination before a grand jury, and considered that there was matter for conviction by a district court-martial. Glenie stated just now, that Lieutenant Sewell had promised him payment previous to the sitting of this court of inquiry: I consider this very likely; I consider that Lieutenant Sewell was not competent to judge of his own affairs.

1380. Why not?—Because he was utterly inexperienced, and his accounts were in confusion.

1381. Colonel *Pennant.*] What situation was it that Lieutenant Sewell held?—He was a young man who had been appointed to the Land Transport Corps at the time that it was being rapidly raised at the locality at Horfield, and this young man was sent out with a very large draft on its way to the Crimea; and on his return home with this draft of men, they were detained at several places near Plymouth, and the difficulty was thereby very much increased in arranging for the daily payment of the men, and it required all the attention of an experienced officer to conduct the duties; but Lieutenant Sewell not being experienced in these matters, his accounts fell into inextricable confusion, and that had been brought to my notice on the arrival of this draft of men from the Crimea.

1382. Had he been in the service before this appointment?—No; he was quite ignorant of the service, when this fresh claim was brought against this young officer by a designing man about to be discharged.

1383. *Chairman.*] What do you mean by a designing man?—I consider this man Glenie was making a false and infamous claim upon this young officer, and I thought it right, as commanding officer, to interfere; and I thought it also very odd indeed that this claim should be brought forward only at the time the corps was being discharged. It is not my custom to order a man to be tried by court-martial, unless I am certain of a conviction; I placed Serjeant Glenie under arrest, and applied for a district court-martial to be held upon him; finally, after some days, it appeared to me unnecessary towards the ends of discipline to

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encumber the state by a man in gaol for a case when he would not belong to the service at the termination of his imprisonment; I was sorry for the man too, because throughout he had borne a respectable character as a non-commissioned officer, and I was desirous that he should be discharged from the service without a stain upon his character; I accordingly, very foolishly indeed, and I repent it now, offered to apply for his release if he relinquished all claim upon Lieutenant Sewell; I did it out of a good motive towards the man myself. He sent one of the papers that he produced to the Committee to-day, simply stating that he relinquished his claim upon Lieutenant Sewell; I considered that was not sufficient for after-reference. I therefore desired the Assistant Adjutant-general to point out to him that he must make a fuller relinquishment, and state his own guilt. The Adjutant-general obeyed my orders; in the writing the prisoner boasted before the Committee that he would not sign it; but the paper he produced was a mere draft of his letter; his letter is among those proceedings; it was not extorted from him; the letter is this, I will read it to the Committee:—"Up to the time of the assembling of the Board to investigate my claims against Lieutenant Sewell, Land Transport Corps, I was under the impression that the said officer was indebted to me; but now feel fully convinced that I have committed an error, and therefore beg to be permitted to withdraw all claims against the said officer. I am, Sir, your humble obedient servant, G. K. Glenie."

1384. *Chairman.*] It was dictated to him?—It was dictated to him, but I did not require him to sign it if he did not choose it.

1385. He had nothing to do with drawing it out?—No.

1386. Should you have granted his release if he had not signed it?—Certainly not; he would have been convicted by the court-martial.

1387. Colonel *Pennant.*] You mean the evidence was so strong against him that it must have led to a conviction?—Certainly, that was my opinion.

1388. *Chairman.*] The man who told Glenie that he knew what the verdict would have been was not very incorrect in the estimate he formed as to the verdict, because your opinion seems to be in accordance with his?—Certainly, and so will yours when you read the proceedings; my opinion was formed from the proceedings of the court.

1389. Do you consider it a proper proceeding, on the part of the Board, to show Glenie his signature, and not to show him the body of the instrument he signed?—Certainly.

1390. Mr. *Baxter.*] Were you present?—No.

1391. *Chairman.*] Might not any thing have been inserted in that paper after he had admitted it was his signature?—Certainly not.

1392. Why not?—Because it was in the possession of an officer in Her Majesty's service, and it had never left his possession.

1393. If a witness in a court of justice is shown a receipt, do you mean to say that you would only show him his signature to the receipt?—It was not a court for conviction, it was a court for my information only, and I approved of the proceedings.

1394. Supposing anybody had been so disposed, could he not have inserted what he thought proper over Glenie's signature, it not being shown to him at the time?——

1395. General *Codrington.*] It was merely a question as to whether it was his signature, was it not?—Yes.

1396. *Chairman.*] But he did not know what the body of the document contained?—I do not know what he knew.

1397. It was not shown to him?—No.

1398. I understand you to say that you approved of the proceedings?—Yes.

1399. Colonel *Pennant.*] Did you see that document to which the signature is said to be attached?—Yes, when the proceedings were laid before me.

1400. Was there anything in that document which led you to suppose that any erasure or alteration had taken place subsequent to his signature being attached?—Certainly not.

1401. *Chairman.*] But it might have taken place?—Yes, if the president were a blackguard.

1402. Colonel *Pennant.*] That document, I suppose, was in the custody of Lieutenant Sewell for some considerable time before it was laid before the board of inquiry?—Certainly.

1403. Was there anything when you saw the document, which gave you at all the

the impression that there had been anything altered or erased in the body of it subsequent to the signature?—Nothing at all.

1404. General *Codrington.*] The receipts are at present before the Committee, are they not?—

1405. *Chairman.*] What would have been the objection to Glenie being shown the receipt and the whole of the document?—I had no objection; but I merely approved of the proceedings of Major Shervinton, who was the President of the Board, and I approve of them because it is a question of dates more than amounts, and Major Shervinton simply showed him his signature, and asked him if this document was his signature, and he said it was; it was merely a question of signature.

1406. Mr. *Baxter.*] On that occasion Glenie admitted the authenticity of the signatures, which he now declares to be forgeries?—Yes.

1407. *Chairman.*] Do you mean to say, that although you can hold Glenie to the signature, you can hold him to the contents of a document which he has never seen?—Certainly not; this court was merely for my information, and if Glenie had been tried by the court-martial, it would have been the duty of the court to examine him to all these dates.

1408. You hold him to the contents of it now, do you not?—Yes.

1409. But he had never seen the body of the documents?—He did when he wrote them; Glenie had seen these things, because he had written them.

1410. Sir *John Trollope.*] Did he merely annex his signature, or did he write the body as well?—He wrote the whole body of them. I accordingly made an application to the officer commanding the district in these terms: "The enclosed letter having been received from the prisoner, Serjeant Glenie, Land Transport Corps, I recommend that, under the circumstances of this man being for discharge, that the prosecution of the case should be suspended." It was returned to me by Colonel Patten, with the words, "Suspended accordingly." I then ordered the prisoner to be released, and had him discharged; that is all.

1411. Colonel *Pennant.*] You made use of the words, "That from the inexperience of Lieutenant Sewell you thought it was necessary to interfere, because Serjeant Glenie had brought forward this claim, and you spoke of him as a designing person. Had there been anything in his previous conduct which led you to form that opinion of him?—There had, but I cannot recollect it well; there had been some claim about some clothing, and I was on the look out for such claims as Serjeant Glenie had made against the officers; I suspected that in the confusion of discharging the corps in the way it was done, it would give rise to many such claims.

1412. Mr. *Baxter.*] When you judged of Serjeant Glenie's claims, you did so in consequence of documents in his own handwriting, and not in consequence of representations made to you, or accounts produced by Lieutenant Sewell?—Certainly not; Lieutenant Sewell was willing to pay it.

1413. He did not know whether the amount was due or not?—No, he did not.

1414. But he was willing to pay the sum, considering it unjust, rather than have any trouble about it?—Yes.

1415. *Chairman.*] What authority have you for describing Glenie as a designing man?—I did not describe him as a designing man.

1416. You said, "When you saw a designing man" doing so and so; I asked you, then "Do you mean to call Serjeant Glenie a designing man?" and you said "Yes, I do."?—So I do.

1417. What authority have you for that?—No authority but my opinion; I hold my opinion of every man under my command,

1418. Upon what facts did you found that opinion?—I tried to explain it to you just now. I was on the look out for such claims against officers, and I considered Glenie's claim the claim of a designing man, and therefore I investigated in this way.

1419. What led you to consider him a designing man?—I cannot recollect the particular circumstances.

1420. Mr. *Baxter.*] There was a previous impression on your mind which this claim confirmed?—

1421. *Chairman.*] Is there anything else?—A writ was served upon me by this man Glenie, and which I forwarded to the War Department; the writ was for the amount stated in the proceedings of the Board of officers, 5 *l.* 10 *s.* 3 *d.*

1422. The *Solicitor-General.*] The same amount that had been claimed against

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Lieutenant Sewell?—Yes; but up to this day I have not received any further notice of proceedings.

1423. Mr. *Baxter.*] Were you aware that there was any dissatisfaction in the corps in consequence of the men having been discharged before the five years?—No; the men were all discharged at their own request, with the exception of a few men who were ordered to Horfield to wait the settlement of their claims.

1424. Perhaps you are not aware that several witnesses have given evidence to the effect that they never for a moment supposed they were not engaged for the full term of five years?—It is quite false.

1425. You consider that they had no claim of that kind, and that this claim is quite groundless?—Quite so.

1426. Colonel *Pennant.*] Are you aware whether there was any warrant or regulation published with regard to the raising of the corps or anything which could lead the men to suppose that the Government was bound to keep them for five years?—No; on the contrary, the terms of the warrant show that they were to be attested for ten years, but with the promise that Her Majesty, at the end of five years, would give them their discharge; or if the war terminated at an earlier period than at the end of five years, they would be discharged.

1427. Was there anything which could lead them to suppose that the Government was bound to keep them for the five years if they wished?—Certainly not.

1428. Mr. *Baxter.*] Did any of the men complain upon this subject to you?—None, except the artificers, who are men of high rates of pay, and who do no work; they objected.

1429. Are you aware that complaints have been made to the subordinate officers on that score?—I am not.

1430. Were you in command at Horfield at the time some of these men refused to receive their discharges?—No, I was not in the country, but I heard of it when I came home, and I reported it.

1431. Did you consider that the men had been discharged in an irregular manner?—Yes, highly so.

1432. In having a paper discharge instead of a parchment discharge?—Yes; I consider the men were wrongly discharged in consequence of having the document thrown after them, as it was reported to me.

1433. But you know nothing of that fact yourself?—It was reported to me on my arrival, and I immediately wrote about it, and got authority to bring them again on the strength of the corps.

1434. Do you believe it to be the fact that those discharges were thrown after them?—I heard it denied by the adjutant of the depôt at the time, but I have reason to believe there is a great deal of truth in it. Many of the men who refused to take their discharges at the port of debarcation until their claims were settled, were sent to Horfield to have their claims investigated, and on their arrival at Horfield the officer commanding the depôt considered that his orders were imperative that they should be discharged, and discharged they were accordingly.

1435. Do you agree with the men, that by giving them this protection paper only they still remained in Her Majesty's service?—No.

1436. *Chairman.*] You consider they are no longer in the service from the moment they receive that paper?—No, until the law says they are discharged.

1437. The *Solicitor-General.*] Have you ever heard of a man being taken up as a deserter who had that paper?—No; it is intended to protect him.

1438. Do you consider a man fully discharged who carries about these papers, and no other documents?—I do; the paper being given by the Secretary-at-War.

1439. You stated in a former reply, that you sent for some of the men again, because you considered them improperly discharged?—Yes.

1440. Did any of them return?—Yes.

1441. The whole of them?—No, only some.

1442. Those that did I presume, got a formal and proper discharge?—No, I had a permissive order to discharge the men with protecting certificates, and they were discharged accordingly with protecting certificates, but not before their claims were settled.

1443. All those that were discharged after your return, had a proper settlement of their claims, had they?—Yes.

1444. Some of the men have not made their claims yet, have they?—No; the claims are constantly coming in.

1445. Are

1445. Are these men irregularly discharged?—Yes.

1446. Are you aware that these men have claimed pay up to the present time?—No.

1447. But you do not think it a legal claim?—I give no opinion upon it; that is for another department. The Judge Advocate would be the person to speak to that.

1448. Colonel *Pennant.*] Although the men that were discharged after you came home had their claims settled, yet there was no Board held upon them, was there?—After I came home I ordered that all claims should be settled by a Board, but yet they received the protecting certificate instead of the parchment discharge.

1449. But if there was no claim brought forward, then a Board was not held?—Yes; in fact we did not disturb the orders that were previously given.

1450. Sir *John Ramsden.*] Have all the claims that had to be brought in been investigated, except those which are now coming in or are now in process of investigation?—Yes, because these claims that are now coming in would have been settled long ago, only that the men have changed their residences, and we are obliged to wait until they send in their claims for clothing and other matters, and then the money is remitted to them. At the present time there are about 130 men whose residences are not known, the consequence is, that the Post-office orders sent to them are repeatedly returned, and we are obliged to wai until the men send their addresses.

1451. Is it not the fact that every man who is discharged, having any claim against the Government, has that claim registered at the time of his discharge?—Yes.

1452. And the place of his abode taken down?—Yes.

1453. And is the man told that the claim should be investigated, and that whatever money is awarded in liquidation of the claim, should be forwarded to his place of abode?—Clearly so.

1454. When the claim has been investigated?—Yes.

1455. All the present claims have been investigated?—Yes.

1456. And an intimation has been sent to all the men in those cases in which you know when the money is to be sent to them that it will be remitted?—Yes, whenever the man can be found; sometimes the men who have left their addresses with their officers have changed their residences without letting us know where they have gone to, and in those cases we are unable to remit it to them.

1457. But you have always communicated with these men at the place of abode given to you when they were discharged?—Yes.

1458. The *Solicitor-General.*] Have you any reason to believe, when any of those men were attested, that any representation was made to them either by the magistrate attesting them, or by the officers, that they were to be engaged for five years certain?—I have no reason to suppose so.

1459. Was any complaint made to you that the magistrate had made such a representation to them, and that that representation was not fulfilled?—No; but I left the country immediately upon the corps being ordered to be formed; the recruiting was not conducted under my orders; but I settled one point before leaving England, which was to have the form of enlistment in the service reduced from 10 years to five years. I visited the Judge Advocate specially upon this point, and he said you cannot alter the Act of Parliament, and you can only reduce their period of service to five years by the permission of Her Majesty herself, and that I obtained, and the warrant then came out, that although the men were enlisted for 10 years, a promise might be made to them that they should have their discharge at the end of five years, or at the end of the war, should it terminate earlier. The Secretary for War has now exercised the power of disbanding the corps at the end of the war.

1460. Then you have no reason to suppose that there was any misrepresentation made to the men either by the officers or by the magistrate as to the terms of the warrant?—No; on the contrary, the knowledge that the Treaty of Peace had been signed had scarcely reached the Crimea before I received several applications from the men for discharge in the field, upon the terms of that warrant.

1461. *Chairman.*] Are we to consider that the men are absolutely discharged by the protection certificates they receive on their landing?—Yes.

1462. And that they have, from the moment they received the certificate or protection paper, no claim upon the Government?—They have no after claim upon the Government.

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1463. But you say that, in your opinion, all those that received those protection papers were legally discharged according to the rules of the service?—No, I did not say that; I said it was irregular, according to the rules of the service; that is, if I had brought the corps on throughout myself, I should have made a strong remonstrance upon receiving the orders that Captain Vokes received.

1464. Do you recollect a man of the name of Bowen, who came to Horfield Barracks in November; he stated that he belonged to the Land Transport Corps; that on his arrival from the Crimea, or within a few days afterwards, he received one of these protection papers; that he came up to London, and he remained in London 99 days; that he went back to Horfield, having a claim for some money while he was in the hospital at Scutari; that at Horfield he not only received the money that was due to him for the time he was at Scutari, but he also received the money for the 99 days that he was in London?—Yes.

1465. How does that accord with your opinion that he had no claim upon the Government after he had received the protection paper on his arrival from the Crimea?—I do not recollect the particular circumstances of the case that you mention, but perhaps it was so; and if it was so, I acted upon my own discretion, under the authority that had been given to me by the Secretary for War, that in all cases of distress, where a man had been discharged improperly, and against his will, I might, if I thought right, give him his back pay, and bring him upon the strength of the corps again.

1466. Then he received, although he was in London all the time?—I cannot tell.

1467. Who will prove that?—I can prove it by reference to the documents at Horfield.

1468. The *Solicitor-General.*] He also stated, that at the date of receiving the protection paper, he had a claim which was afterwards admitted to be a rightful claim, but which had not been settled at the time of receiving the paper?—Yes.

1469. Would that make any difference?—Yes; I exercised my discretion; I thought the man improperly discharged, and treated hardly, therefore I ordered him to be borne on the strength of the corps, in accordance with the authority given to me by the Secretary-at-War alone.

1470. If that had been brought to your notice, that a man had been discharged having an unsettled claim, which you believed, upon investigation, to be a just claim, would that have been a title, in your opinion, for bringing him upon the strength of the corps, and paying his back pay?—No; I should only exercise my discretion if I thought it a very hard case, and a positive injustice had been done to the man.

1471. *Chairman.*] Bowen was put upon the strength of the corps again, and did duty in Horfield Barracks; was not that so?—Colonel Evans is here, and will answer that question better than I can.

1472. Sir *John Ramsden.*] Do you take any other steps besides telling the men at the time of their discharge that the money would be sent to them; to make known that claims would be settled on application; are there placards issued?—Yes, many placards were sent through the country.

1473. You have not got them here, have you?—No, but I daresay they could be procured.

1474. To what effect were those placards?—Directing them to send in any claims not registered to the commanding officer at Horfield Barracks.

1475. In fact was not every exertion made to get these claims sent in, and to get them settled as quickly as possible?—Yes.

1476. And no claim that was made was ever passed over without investigation?—No.

1477. The *Solicitor-General.*] Can you explain a case we had upon the last meeting, which rather surprised us; there was a man who had a claim for four pounds and some shillings, in respect of certain uniform which he had purchased out of his own pocket, and which the service ought to have supplied him with; and the claim, amounting to between 4 *l.* and 5 *l.*, to the extent of 11 *s.* 9 *d.*, appears to have been admitted, and he had remitted to him 11 *s.* 9 *d.*, he stating at the same time that he was not under stoppage, nor was there any set-off against that claim?—The clothing of a soldier amounts to a certain sum; that sum is divided into twelfths, corresponding with the months of the year, and for the number of twelfths or months he is out of clothing that ought to have been given by the

the Government, he is entitled to the same number of twelfths as the value of the clothing he may have purchased; he may have purchased clothing on his own account to the value of 4 *l.* odd, but if the number of twelfths to which he is entitled amounts only to 11 *s.*, we cannot help it; he may purchase superfine clothing, for which the Government would not be responsible. Col. *M. M'Murdo.* 25 June 1857.

1478. But you do not consider that state of things an improbable state of things?—No; but when we investigate these cases, we find that these matters are generally cooked up, or very much exaggerated.

[*The Witness delivered in certain Papers.*] *Vide* Appendix.

George Richard Glenie, re-called; and Examined.

1479. *Chairman.*] YOU stated in your evidence, that any receipts, purporting to be written by you, produced by Mr. Sewell, were forgeries?—Yes, the whole above 40 *l.*, for the month of June. *G. R. Glenie.*

1480. General *Codrington.*] When you stated any receipts, that means all receipts, does it not?—I said that for the month of June I received of Lieutenant Sewell 40 *l.*

1481. You stated that the receipts which purported to bear your signature, and which were produced by Lieutenant Sewell, if any such receipts were produced, they were forgeries?—If it is money paid to me in the month of June.

1482. One thousand eight hundred and fifty-five you spoke of?—Yes.

1483. Will you look at those receipts (*pointing to some papers*), there are five for the month of June; do you declare those not to be in your handwriting, or the signature not to be yours?—That is mine (*pointing to one of the receipts*).

1484. Is that one (*pointing to another receipt*)?—No.

1485. The first one is not only your signature, but the whole body of it is in your handwriting?—Yes.

1486. The second one, you say, is not?—No.

1487. The *Solicitor-General.*] What is the date of the one you deny?—June the 5th.

1488. General *Codrington.*] You see that receipt is put in, and it is supposed to be written and signed by you; do you mean to state that that is a forgery?—It is like my writing.

1489. The *Solicitor-General.*] Have you any doubt you wrote?—It is very much like my writing.

1490. General *Codrington.*] The whole body of it is very much like your writing?—Yes.

1491. That is the 3d of June; then there is one also of the 7th, put in before the Committee; is that a forgery or not?—That is correct.

1492. There is also one dated the 13th of June; is that a forgery of your signanature?—It looks like my writing.

1493. There is another of June the 10th, also nominally with you signature; will you state to the Committee if that is a forgery?—No, it was a balance paid to me for what was owing in May.

1494. This is dated June the 15th?—Yes, that is my signature; it is what was owing to me.

1495. Now in the month of May, here is one dated the 18th, also stated to be your signature; is that a forgery?—No.

1496. Here is May the 21st, there is another of 7 *l.* with your signature; is that a forgery?—It don't look like it.

1497. Do you acknowledge it?—I have no recollection of giving one on that date.

1498. *Chairman.*] Is it your writing?—It looks like it.

1499. Will you say it is not your writing?—I should not like to say it is not.

1500. General *Codrington.*] There is another of May the 23d; is that a forgery?—It is not.

1501. *Chairman.*] Do the receipts correspond with the book?—No, not all of them.

1502. General *Codrington.*] There is another, of May the 24th, will you look at the writing, and the signature to that, and let me know whether that is a forgery?—That is correct.

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1503. There is another, of May the 29th, also with your signature; is that a forgery or correct?—That is correct.

1504. Then of the whole of those nine signatures of yours, I think there is only one which you have any doubt about?—Yes.

1505. *Chairman.*] Do you still maintain having seen those receipts, that you were justified in saying that any receipts purporting to be given to Lieutenant Sewell, after June, were forgeries?—Any receipts above 40 *l.* for the month of June, given to me for the pay of the men, I say are incorrect and are forgeries with the exception of any moneys that might have been paid me for the month of May; if you reckon up the amounts paid in May and June, and compare them, you will find they are not correct.

1506. General *Codrington.*] All we want to know is, whether the papers that have been put in and shown to you are or are not forgeries, they bearing your signature; I think you say there is only one which you have any doubt about?—Yes.

1507. Mr. *Baxter.*] You said that the receipts do not correspond with the book; is it not possible that you have forgotten, or omitted to enter some of them?—I could not forget them very well, because the instant the money was paid to me I entered it into the book.

1508. But is it not possible that you might have omitted to do so?—It is possible, but not probable.

1509. *Chairman.*] Does this constitute part of your claim?—It would form part of the 5 *l.*, because I drew 5 *l.*, and gave him an I O U, and then I paid him 3 *l.* back.

1510. Did you lay these receipts before the court of inquiry at all?—No; I showed them to Major Shervinton. I was sent outside the room, aad he said it was of no consequence; he asked what they were; he looked at it, and said it was of no consequence.

1511. You did not produce them before the court of inquiry?—No.

1512. Why did you not?—The court did not go into the full particulars of it; they would not allow me to explain any thing.

1513. Were you asked any questions?—Yes, as regards what money I had received, and what money I had paid.

1514. Why did you not put in the receipts as money you had received?—Because I did not consider that it was required. I was not asked for them. I had got it in this book, and had taken it out; Major Shervinton came out before he went into Colonel M'Murdo, and I showed him the receipts, and told him there was a receipt for 3 *l.* I had paid Lieutenant Sewell.

1515. The court could not possibly call for those receipts not knowing that you possessed them, and therefore it was your duty to produce them?—The court was sitting at the time that I showed them to Major Shervinton, although I did not show them in the room. Major Shervinton and Paymaster Reeve were together.

1516. Notwithstanding the receipts you have seen now signed by yourself, and admitted to be signed by you, and given to Lieutenant Sewell, do you still maintain that you have a claim of 5 *l.* 10 *s.* 6 *d.*, or whatever it is?—Yes.

1517. Do you still maintain that you have a claim upon the Government?—Yes, and my books show it.

1518. *Chairman.*] Have you any question which you wish to ask Colonel M'Murdo, because if you wish to ask him any question, you must put it through me?—Yes, I should like to ask some questions of Colonel M'Murdo.

Colonel *M. M'Murdo*, further Examined.

Col. M. M'Murdo.

1519. *Chairman.*] DID Glenie make any claim in the Crimea?—I have no recollection of it.

1520. Did he send any claim in writing to head-quarters?—Very possibly he might have done so. Major Evans is here, and will state whether he did or not.

1521. Have you any recollection of Glenie making a claim in November and December 1855 and January 1856, to the War Office?—No, I was not in the Crimea at that time. Perhaps he did make a claim, and Colonel Evans is here, and will speak to it; I had gone to England in December 1855 or January 1856.

George

George Richard Glenie, further Examined.

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1522. *Chairman.*] WHEN you were at Horfield, did you apply for a parchment discharge?—I did.

1523. To whom?—To Cornet Mitchell; he said he would ask the Brigade Major about it; and he came back and told me there were no parchment discharges being issued; the Brigade Major said it was not requisite

1524. What is the name of the Brigade Major?—Major Shervinton.

Colonel *M. M'Murdo*, further Examined.

Col. *M. M'Murdo.*

1525. *Chairman.*] WHAT power had you to release Glenie?—I had authority from the commanding officer of the district.

George Richard Glenie, further Examined.

G. R. Glenie.

1526. General *Codrington.*] YOU stated that you claim this 5 *l.* and odd still?—Yes; I consider it is owing to me.

1527. I want to know whether this paper is in your handwriting, and whether that is your signature [*showing the paper to the Witness*]?—Yes, that is the one I copied.

1528. Does it not state "that up to the time of the assembly of the board to investigate my claims against Leiutenant Sewell, Land Transport Corps, I was under the impression that the said officer was indebted to me, but now feel fully convinced that I have committed an error, and therefore beg to be permitted to withdraw all claims against the said officer;" that is your signature, is it not?—Yes; but it was drawn out for me; this is the original.

1529. *Chairman.*] That is the letter which you say you signed under coercion?—Yes.

Colonel *M. M'Murdo*, further Examined.

Col. *M. M'Murdo.*

1530. Lord *A. V. Tempest.*] A FORMER witness has stated that some of the Land Transport Corps men were enlisted as non-commissioned officers, and that when you discovered the irregularity of it, it was stopped; was that the case?—If such a thing had been brought to my notice, I should certainly have stopped it; but before the men began to be enlisted, I had left for the Crimea, and the enlisting was left to Colonel Kelly, the district officer.

1531. Could you inform the Committee whether such was the case?—No, I could not.

1532. Do you know, with regard to the discharge, whether 1 *l.* was given at the time?—It was given to take them home.

1533. Is there anything in the enlistment that provides for that?—No; it was an order from the Secretary at War, and they were to have that and the railway warrant to take them home.

1534. Sir *John Ramsden.*] Was this a special order from the Secretary at War, about this 1 *l.*?—I cannot answer that question; Captain Vokes is the staff officer who received the orders.

1535. Lord *A. V. Tempest.*] Could you state what number of men remained in the Crimea, of the Land Transport Corps, at the time of your arrival?—I was the first man who arrived.

1536. Of this corps, I mean?—Of this corps; they did not arrive until about two months after I arrived.

1537. How many men were there when this corps first arrived in the Crimea; what was the largest number of Land Transport Corps men that were present at any time in the Crimea?—About 7,000.

1538. What number of that 7,000 of the Land Transport Corps were doing duty at the end of the war?—About that number.

1539. At the fall of the town?—At the fall of the town, I should say there were about 300 men; but at the signature of the treaty of peace there must have been about 7,000 men.

1540. Could you state how many soldiers you had employed in the Land Transport Corps at that period?—At the fall of the town, I should say there had been about 300 men.

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1541. And at the period of the signature of the treaty of peace, how many?—At that period I should say about 400 men, but I speak from memory.

1542. Besides the men that were ordered to join the Land Transport Corps, there was an order just a few days previous to the signature of the treaty of peace, to send off some soldiers from each regiment to the Land Transport Corps, which did not eventually go?—The number I gave of the Land Transport Corps men were those who were enlisted under the Royal warrant of the 24th January 1855.

1543. What number of soldiers had you to add to that?—At the time of the signature of the treaty of peace there were about 400 men attached, but I cannot precisely say without reference to my return.

1544. *Chairman.*] Who did you say reported to you the proceedings that had taken place when you returned from the Crimea, in Portsmouth Barracks, that is, when the protection certificates were thrown after the men?—I cannot recollect who it was, but I called upon the officer who was implicated to give his explanation of it, and he did so, stating that he conceived that it was his duty to discharge the men whether they wished it or not; but the other day the Adjutant who served under that officer, declared that the discharges were not thrown after the men in the way that has been described. I do not know really whether it was the case or not.

Lieutenant-Colonel *William Edwin Evans,* called in; and Examined.

Lieut.-Col. *W. E. Evans.*

1545. *Chairman.*] YOU are the Lieutenant-colonel, and Assistant Director-General of the Land Transport Corps?—Yes.

1546. Do you know anything of a claim Glenie made to you in the Crimea?—I have no recollection of it, but I have a perfect recollection of Lieutenant Sewell arriving in the Crimea, with the accounts of his men in such confusion, that it was necessary to send for Lieutenant Hutton to Sinope, in order to settle them. Serjeant Glenie was Lieutenant Sewell's pay serjeant. The court of inquiry sat and made their report, and the same would have been forwarded to head-quarters, only Lieutenant Sewell paid the money that was deficient; had Serjeant Glenie any claim upon Lieutenant Sewell, that was the time to have made it. I have no recollection of any complaint directed to me, but I am aware that when Captain Handyside took over the brigade from Lieutenant Sewell, there was a debt due to the brigade from Serjeant Glenie; Serjeant Glenie, I believe, left the Crimea sick shortly after, and I heard nothing about it until I came to Horfield.

1547. The *Solicitor-General.*] Do you know the amount of the claim against Serjeant Glenie?—There was a debt of four or five pounds against Serjeant Glenie.

1548. *Chairman.*] Were you a member of the court of inquiry that sat upon Serjeant Glenie's claim?—No, I was not.

1549. Do you remember a man of the name of Bowen returning to Horfield in November?—Yes.

1550. He states, that he not only received his back pay due to him at Scutari, but he received the money for 99 days, during the time he was remaining in London, after having received a protection paper as his discharge?—The man made his appearance one day before me at Horfield, at the orderly room, and said that a large amount of pay was owing to him; that he could not get it; that he had walked from London to obtain it; and upon inquiry I found that there was a balance of pay due to him.

1551. For what?—For pay at Scutari; and there being authority from the Right honourable the Secretary of State for War, to take men who had been discharged, whose cases were similar to Bowen's, that is in extreme cases, Colonel M'Murdo ordered the man's discharge to be withdrawn, and him to be taken on until his claim was settled, and he could be discharged.

1552. He ordered the man's discharge to be withdrawn, and the man to be taken again on the strength of the regiment?—Yes; until his claim was investigated and settled, having authority so to act from the War Department.

1553. Was he re-enlisted or re-attested?—No; his discharge certificate was merely taken from him.

1554. Then if you took the man's certificate away from him, you can call upon the man again to serve in the corps, according to that?—That is a question not for me to answer.

1555. That

1555. That was the fact with regard to Bowen; you took the certificate away, and put him on the strength of the corps again, after he had been discharged?—The Secretary at War authorised such a proceeding.

1556. The Secretary at War having authorised you to do so, you did it?—Yes.

1557. And your justification for the application for leave to do so was that there was a claim unsettled while the man was in the Crimea?—While he was at Scutari.

1558. Then if another man had a claim whose claim was unsettled, at Scutari or elsewhere, would he not have had the same right to be put on the strength of the corps as Bowen had?—I should be commenting upon the Secretary of State for War if I were to give an opinion upon that point.

1559. Would not any other man have had as much right as Bowen had?—I should say that each case should be judged on its own merits. Here was a man we had who was owed 11 *l.* or 12 *l.*, and it appeared very hard that he should not have got it.

1560. Did he not receive pay for 99 days, for the time he was in London?—Yes; it was considered as though he had never been discharged.

1561. Although he had received a protection certificate on landing?—I forget where he was discharged from.

1562. But he had been 99 days in London at the time this application was made for the 99 days he had the protection paper?—Yes.

1563. That protection paper was taken from him, and his discharge was cancelled?—Yes.

1564. Do you know of any instance of a soldier once being discharged, being returned again and taken on the strength of the corps?—I think there are some other cases in the Land Transport Corps of that kind.

1565. Are there any cases of that kind in any other regiment?—No, because the men are always settled with before they are discharged, and a board sits to investigate their services, and they sign their proceedings; and after this board has sat upon their claims they have no claims at all.

1566. After receiving the back pay for London as well as for Scutari, I understand he was put upon the strength of the corps and did duty at Horfield?—As soon as he was paid he was discharged.

1567. Paid what?—As soon as he was paid the whole of his arrears he was discharged, but in the meantime he did duty at Horfield; he was considered as never having been discharged at all.

1568. Did he not do duty for about 15 weeks?—I forget the length of time, but as long as he was at Horfield he did duty.

1569. He states it was 15 weeks?—It could not be as much as that.

1570. He received pay during that period, and rations, did he not?—Yes, his free rations.

1571. In the whole, it is calculated he received 51 *l.*?—I forget what the exact amount was; he was a very insubordinate, troublesome fellow.

1572. Colonel *Pennant.*] Had you a discretionary power as to what men you would take back upon the strength of the corps?—Yes.

1573. This was one of the men with respect to whom you thought proper to do so?—Yes.

1574. Can you produce the letter authorising that?—It is on the records.

1575. *Chairman.*] What date is it?—It is somewhere from the 8th to the 15th of December; it was in consequence of a report I made from Horfield very soon after I got there.

1576. The *Solicitor-General.*] You said that the protection papers were taken from the men, and arrangements were made with them; were they made with their own consent?—Yes, the men were only too glad to do it.

1577. And you said that the man was kept on the strength of the corps until he could be paid the arrears that were owing to him?—Yes, until we could find out where he was.

1578. When you found out where he was and paid him, he then went with a fresh protection?—I do not remember whether he was irregularly discharged, because about that time some of the men were regularly discharged on parchment certificates, and boards sat upon them; I forget whether they got them or not.

1579. *Chairman.*] Why did they not receive parchment certificates on leaving

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Horfield in December?—For the same reason that none of the other men received them.

1580. Bowen has stated that he applied for a parchment discharge in December at Horfield, and it was refused him?—He had no more right to ask for it than any other men of the 7,000 that did not get them; the orders from the Adjutant-general were explicit upon the point.

1581. Mr. *Baxter.*] I think that Bowen's words were, that he complained to the corporal, from whom he received a protection paper, that it was not a proper discharge, not being on parchment?—Yes.

1582. Are you aware of any such complaint being made?—I am not; and I should not have paid any attention to it if it were so.

1583. The *Solicitor-General.*] Do you remember whether there were applications for parchment discharges?—Yes.

1584. What did they apply for?—They applied to be regularly discharged.

1585. They applied for parchment discharges?—Yes; and upwards of 300 were prepared at Horfield; and they were not issued, because there were no orders to that effect from the Adjutant-general's office.

1586. Sir *J. Ramsden.*] Do you remember if there was anything particular about the time of the discharge which the man received; do you remember whether he refused to sign it?—I do perfectly; I was going to refer to that; the reason why he did not get his pay at Scutari was this, that he was owed 11 *l.* or 12 *l.*, and he would not receive the money that was owing to him, because the pay for a few days while he had been in some other hospital was due to him, either at Renkioi or Abydos; had he received the pay that was offered to him at Scutari, he would have received within a few shillings of what he was entitled to, and then that would have been settled at Horfield when the battalion came home; that was the reason why the larger amount was owing to him. If I had known, at the time when he came down with a pitiable story, of his having received this large sum of money, I should not have recommended his being taken back on the strength of the corps.

1587. You cannot speak to the fact of his being first discharged, that not being signed by yourself?—I do not remember anything about that.

1588. Colonel *Pennant.*] It was owing to the claim not being settled?—Yes.

1589. The *Solicitor-General.*] He had a claim of 5 *s.*, and because they would not pay him in full he declined to receive any?—That is what I have told you.

1590. Sir *J. Trollope.*] Did you receive back many men on similar terms?—No; very few; I cannot remember how many.

1591. When any of those men were taken back on the strength of the corps they would be paid up in full?—Yes.

1592. And fresh discharges given them?—Yes.

1593. But still with protecting papers?—Yes.

1594. Did you ever represent to the Horse Guards, or to any other military authorities in London, that this mode of discharge was objected to by the men?—Except for about a fortnight, I had been second in command for the whole time, and my duty was to report it to my superior officer.

1595. Did you report that circumstance to him, that the men objected to this form of discharge?—When I sent to Colonel M'Murdo first it was about the 15th of August, and I heard no objection to the form of discharge from the men while I was in command at Portsmouth; on the contrary, they were only too happy and too glad to get away.

1596. When did these objections first occur after you got to Horfield?—I think they occurred in London after I went to Horfield, and then I found many men who had money owing to them who would have been paid, about whose claims there was no great difficulty before their claims were settled; and those men complained to me the day after I arrived.

1597. On what ground did they complain?—They complained of being discharged without being paid their arrears.

1598. Was it a valid claim they made in most instances?—Yes.

1599. Are the claims now discharged on the greater part of them?—The greater part are, but they come in to me daily.

1600. Colonel *Pennant.*] Did they make any great complaint at the time with reference to the difference between the paper certificate, the protecting paper, and a parchment discharge?—The first complaint I heard was from London.

1601. The *Solicitor-General.*] Was that after August 1856?—It was in August 1856,

1856, as I said before, at Portsmouth; there were 800 or 900 of those men in the ship, and they were all anxious to be discharged.

1602. Colonel *Pennant.*] You heard nothing of any objection being made merely on the ground of their not receiving parchment discharges instead of paper certificates?—I never heard of that; and Captain Vokes would have heard it if they had complained, and it would have been his duty to have reported it.

1603. Lord *A. V. Tempest.*] Did you ever hear of any complaint that no boards sat?—Not at the time, but subsequently, I did.

1604. You stated there were some boards that did sit?—Yes.

1605. When did this commence?—I think in February.

1606. Not before?—Not before.

1607. Did these boards sit in the usual form and give parchment discharges?—Yes; signed by the Adjutant-general always, excepting those men who were discharged from Chatham; and they, from the very first, received parchment discharges, because they could not be examined at Chelsea Hospital without them.

1608. How many received parchment discharges in the usual form?—I should think about 120.

1609. The remaining 7,000 and odd hundreds received the protecting papers, did they?—Yes.

1610. Was any communication made to the commanding officer with regard to having these boards on the 300 men?—On the 120; the men that were at Chatham agreed for their papers to be sent up.

1611. Was that in consequence of some order from the War Department latterly?—I cannot remember; I do not think there was any order, but the Horse Guards were competent to discharge either one way or the other.

1612. Mr. *Baxter.*] Do you believe that the men supposed they were engaged for a period of five years certain?—Certainly not; it is a complete afterthought.

Captain *Thomas Vokes,* called in; and Examined.

1613. *Chairman.*] ARE you one of the officers of the Land Transport Corps?—No; I am on half-pay now.

1614. Were you employed by Government to go down to Portsmouth?—I was employed by the Adjutant-general.

1615. On the return of the Land Transport Corps from the Crimea?—Yes.

1616. Upon what subject were you sent down?—To discharge the men as they arrived.

1617. What were your instructions?—I received written instructions from the Adjutant-general to discharge the men with protecting certificates.

1618. Where did you get the protecting certificates from?—On application at the Blank Form Office.

1619. Are they not the papers that are given to recruits when recruits are rejected?—Yes.

1620. Do you know any other instance of men belonging to the regular force being discharged by such papers?—No.

1621. Did you hand these men the protection papers as you received them?—Yes.

1622. Did any of the men object to them because the discharges were not on parchment?—Not one of them.

1623. General *Codrington.*] You are now speaking of Portsmouth?—I speak of Portsmouth and Woolwich.

1624. Colonel *Pennant.*] How long was it after you discharged them at Portsmouth that you discharged other men at Woolwich?—I was at Portsmouth about six weeks; I was waiting there for the arrival of two ships, and in the intermediate time I was sent to discharge the men that had arrived in another ship.

1625. Did you receive no complaints at either of those places?—No.

1626. Mr. *Baxter.*] Did it not strike you as an irregular proceeding?—I was obliged to obey the order of the Adjutant-general.

1627. You did not remonstrate?—No.

1628. General *Codrington.*] Did you receive any complaints from the men as to their being discharged before the expiration of the five years at that time?—No.

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1629. None whatever?—No.

1630. Did they wish to go?—Yes, they were very anxious to go.

1631. Do you concur with the last witness, that this was a mere afterthought?—Certainly.

1632. Sir *John Ramsden.*] Were the men paraded, and asked whether they wished to go?—Yes, in all cases; there were a few men who did not wish to accept of their discharge before they were finally settled with for their claims for compensation and for back pay; and in those cases I provided them with railway warrants, and sent them to Horfield Barracks to the depôt.

1633. *Chairman.*] Did you discharge the artificers as well?—Yes.

1634. Did none of them object?—Not one of them.

1635. None of them objected to receive the protection paper?—Not at the time of the discharge.

1636. When did they object?—Not till afterwards.

1637. How long afterwards?—About a month afterwards.

1638. With regard to the Land Transport Corps, when did you first hear of their objecting?—About the same period.

1639. The *Solicitor-General.*] About a month?—Yes, about a month.

1640. Perhaps it might be two months?—Yes.

1641. When did you return?—At the end of September.

1642. In 1856?—Yes.

1643. What was the date at which you discharged the men?—I commenced discharging them, I think, on the 13th or 14th of July.

1644. And about one or two months after that you first heard of complaints about the want of parchment discharges?—Yes.

1645. *Chairman.*] How many men did you discharge?—Over 5,000.

1646. Had you anything to do with the recruiting this corps?—Yes.

1647. Was it the first levy or the second?—The second.

1648. Did the men of the second levy, when you recruited them for the service, understand that, although they were attested for ten years, they were certain to be employed if they thought proper for five?—They fully understood that Her Majesty had the power of keeping them in her service for five years, or until hostilities should cease or the war should terminate.

1649. They understood that they could not claim not to be discharged under five years?—They could not claim to be retained for five years?

1650. Yes?—Certainly not.

1651. Do you think that was understood by them?—Certainly; in all cases I should say; I never heard it disputed before.

1652. When you first heard complaints about the want of the parchment certificates, did you hear at the same time that there was a committee of men sitting?—Yes.

1653. Lord *A. V. Tempest.*] You discharged about 5,000 men, you say?—Yes.

1654. When you discharged them were any arrears of pay due to them, or were there any questions about their claims?—There were several of the men who stated they had claims for back pay and claims for compensation for clothing; I pointed out to those men that they had the option of remaining in the service if they thought it better until their claims were settled, and, as I said before, some who did not wish to accept of their discharge, were sent to Horfield to remain there till the claims were settled.

1655. Sir *John Ramsden.*] But you discharged no single man against his will?—Not a single man; out of 320 men that were at Woolwich, I sent 65 to Horfield, who objected to be discharged until they were settled with, and there are the railway warrants to show it.

1656. The *Solicitor-General.*] Was any objection made to the discharge if they were settled with?—None.

1657. Lord *A. V. Tempest.*] I presume that some of the men who accepted their discharge still had claims for arrears?—Yes, many.

1658. What number?—I should say four or five.

1659. Four or five who accepted their discharges, but still stated they had claims?—Yes, a great many stated they had claims; and, upon examination afterwards, it was discovered they had no claims at all.

1660. You had no authority to enter into communication with them; you were simply

simply to give them the option of taking the protection paper, or going to Horfield Barracks?—Precisely.

1661. The *Solicitor-General.*] Did you know anything about the inquiry that was made into the claims that were put forward?—No; that was at Horfield Barracks.

1662. General *Codrington.*] Did you happen to have been present at the enlisting and attestation?—Yes, I was present at several.

1663. Was it generally in the usual way?—There were two officers, of whom I was one, that were sent down to the different militia regiments to receive volunteers.

1664. Were the attestations conducted in the usual way in which soldiers' attestations are conducted, before a magistrate?—Precisely.

1665. Did the magistrate, in every case you have mentioned, read over to the men the printed questions, which is ordered to be done by the Mutiny Act?—In every case; the clerk generally reads it over in the presence of the magistrate, and the magistrate certifies it has been done in his presence, and the man makes oath besides, that he has heard every question read over to him.

1666. The *Solicitor-General.*] Is there any foundation for what has been said, as far as you know, that the magistrate in some instances represented that the men had a right to remain in the service for five years?—I should say, certainly not.

1667. You do not know of any instance of that kind?—I should say it is very unlikely.

1668. General *Codrington.*] How many attestations did you attend?—I should say above 1,000.

1669. Were they generally in one office?—No, all over the country; in London, they were generally at Westminster.

1670. *Chairman.*] Then is this true which is stated in the evidence; it is a question put to Robert French: "Can you tell the Committee when you first landed, how your discharge was offered to you?—Why we were called into the room, and we had this given to us one by one." "Were you asked whether you wished to be discharged?—Yes; I wished to be discharged by a parchment discharge." Is that true?—No, it is not true, certainly.

1671. Do you recollect the man who stated that?—I never heard it, because, if I had, I should have reported it to Colonel Evans. If any man had made an objection to his protection certificate, I should have reported that to Colonel Evans, who was my commanding officer.

1672. Do you recollect that man?—No; out of so many men I could not possibly recollect any particular one.

1673. But you asked the men whether they wished to be discharged?—Yes, every man; an officer went round to each troop, and took down the names of each man individually who wished to be discharged, and we have got that list now of the men who gave their names themselves.

1674. Was that on board ship?—On board ship, and at Browndown besides.

1675. Then if any other men have stated that they asked for a parchment discharge, and that they complained that the protection paper was not sufficient or legal, that statement is not true?—I cannot remember anything of the kind.

1676. Where were the men paraded, and asked if they would be discharged?—On board ship, and at the camp at Browndown.

1677. Was that done to the 13th or 14th battalion?—To every battalion and to every troop.

1678. Do you know that that was done to the 13th and 14th battalions?—I do.

1679. And it was done individually, was it?—It was done troop by troop, and the men's names were taken down individually, and we have got the lists now.

1680. The *Solicitor-General.*] Do you know of any case in which the men applied to have their character put upon the protection paper?—Yes.

1681. In every case when that application was made, was it complied with?—Always; invariably.

1682. Lord *A. V. Tempest.*] Unless specially applied for they would have no character put upon their paper, would they?—Yes.

1683. Colonel *Pennant.*] Were the officers present who could speak to their characters?—Yes, always.

1684. Lord *A. V. Tempest.*] Were there any books or records of their conduct produced?—Only in some cases.

1685. As I understand you, no man received a character unless he specially applied for it?—No, unless he specially applied for it.

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1686. General *Codrington.*] You say that you enlisted a great number of these men?—Yes.

1687. What was the proclamation posted about London; do you happen to have a copy of it?—No.

1688. This is for the men of the corps (*referring to a Paper*)?—Yes, the second levy. The wording of the proclamation is a *fac simile* of it.

1689. The *Solicitor-General.*] Take that paper into your hand and look at it; is that the proclamation that was published with reference to the enlistment of the men of the Land Transport Corps?—Yes, this was published in reference to the enlistment of the first levy; the proclamation of the return to the second levy was a *fac simile*, with this difference, that we had a third-class driver with a different rate of pay, the term of service to be for five years from the date of enlistment or until the end of the war, should it terminate at an early period.

1690. General *Codrington.*] Have you another paper there?—Yes.

1691. Is that the proclamation that was issued for the purpose of notifying to the men that they should have their claims discharged upon application?—It is.

1692. Sir *John Ramsden.*] One of the witnesses has stated that he distinctly refused, two or three times, to take the discharge when you were discharging the men; I understand you to deny that?—It never occurred in any one case.

1693. Colonel *Pennant.*] We had a witness yesterday who spoke of being a third-class driver with a lower rate of pay than any that has been put down here?—That placard is in reference to the first levy; in the second levy we had third-class drivers with a different rate of pay.

[*The following Papers were put in:*]

WHEREAS it is expedient to establish a more perfect system of Land Transport for our Army in the Field, Our will and pleasure is that a corps to be denominated a "Land Transport Corps" shall be established as a part of Our regular Land Forces, and shall be charged with the Land Transport of all stores, supplies and necessaries at all times required by Our Army in the Field. It is Our further will and pleasure that this Corps shall consist of such number of Europeans and others, and shall receive such rates of pay and allowances as Our Commander-in-Chief and Our Secretary at War for the time being shall from time to time determine. It is also Our will and pleasure that, notwithstanding the attestation for 10 years of the Europeans to be appointed to this Corps, Our Secretary at War for the time being is authorised, and he is hereby required to sanction the discharge of any man at his own request, if he shall have served for five years from the date of his attestation, or at any earlier period, if the present War shall have been terminated by the signature of a definite Treaty of Peace.

Given at Our Court at St. James's, this Twenty-fourth day of January, One thousand Eight hundred and Fifty-five, in the Eighteenth Year of Our Reign.

By Her Majesty's Command,
Sidney Herbert.

LAND TRANSPORT CORPS.—Her Majesty having been graciously pleased to direct by Her Royal Warrant, dated 24th January 1855, that a corps, to be denominated "The Land Transport Corps" shall be established as a part of Her Majesty's regular land forces, which shall be charged with the transport of all stores, supplies and necessaries at all times required by Her Majesty's army in the field,—It is hereby directly notified, that the objects of this corps are: the general organisation, as a military body, of the entire land transport service, with a view to the more effectual supply of the army in the field with all that is essential to its convenience, its rapid movement, and its efficiency. It follows therefore, that for the efficient performance of duties, on which depend not alone the success of our operations in war, but the very existence of our soldiers in the field, Her Majesty requires the services of a hardy, intelligent and sober class of men as drivers, of responsible conductors having the charge of men, animals and supplies. It has therefore been decided that the pay shall be commensurate with the importance of the trust which has been confided to them. And the rates attached to the higher grades of the corps are also published to show the certain rewards that will attend upon good conduct and merit. The following are the rates of pay and other advantages: Drivers, 2d class, 2 *s.* 6 *d.* a day, clothing and rations free; ditto, 1st class, rank as corporal, 3 *s.*, ditto ditto; sub-superintendents, rank as serjeants, 4 *s.* ditto ditto; superintendents, rank as serjeant-majors, 5 *s.* ditto ditto. In addition to the usual uniform clothing, the same quantity of warm clothing, which Her Majesty has graciously ordered to be issued to the troops in the Crimea, will also be furnished to the drivers of the transport corps. Each recruit will further be provided with a limited supply of necessaries on joining, the cost of which will be deducted by small instalments from his daily pay, when the same shall become his property. No drivers of the second class will be enlisted under 20 or over 40 years of age. The term of service to be for five years from the date

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date of enlistment, or until the end of the present war, should it terminate at an earlier period. Drovers, and men accustomed to the care of animals will be preferred. Captain Mayne has returned to London. Applications for enlistment to be made to him in person at the Wellington Arms, No. 162, Waterloo-road, opposite the South Western Railway Station.

Land Transport Corps.—Wanted, a number of artificers for the above corps, comprising the following trades: saddle-makers, collar-makers, wheelwrights, blacksmiths, saddlers. As the services of a sober and intelligent class of men are required, it has therefore been determined that the pay shall be commensurate with the importance of the duties in which they shall be employed. The following are the rates of pay and other advantages: masters 7 *s.* per day, journeymen 6 *s.* per day, clothing and rations free. The term of enlistment to be two years, Her Majesty's Government having the option of prolonging it for one year more, or of discharging the artificer at the end of the present war should his service be no longer required. The artificers, previous to enlistment, will be tested in their various crafts at . Candidates engaged in London will be sent to Bristol free of expense. Applications for enlistment will be received at .

Land Transport Corps.—The non-commissioned officers, drivers and artificers recently discharged from this corps are reminded that all claims on account of pay, compensation in lieu of clothing, repayment of income-tax, &c., are now in course of settlement at Horfield Barracks, near Bristol, where the officers commanding the respective battalions are stationed, to whom also information regarding the change of residence of any of the men whose claims are registered should be addressed. By order, (signed) *R. P. Ireland*, Assistant Adjutant-General, Land Transport Corps.

James Forbes, called in; and Examined.

James Forbes.

1694. *Chairman.*] WERE you in the Land Transport Corps?—I was.

1695. First or second levy?—First levy.

1696. What is your number?—One thousand one hundred and forty-five.

1697. Did you serve in the Crimea?—Yes.

1698. When did you arrive in this country?—About the 10th of December.

1699. Where were you discharged?—At camp, Brown-down.

1700. Who discharged you?—Captain Vokes was there at the time, but I do not think it was Captain Vokes gave me my discharge; some other officer gave me 1 *l.*, I think, but I do not know his name.

1701. Were you paraded on board ship before you were discharged, and asked if you wished to be discharged?—Not on board ship.

1702. Were you paraded anywhere else?—No, we were never paraded at all to be asked any question; the only way it was done in our battalion, the troop serjeant-major of each troop was desired to make out a list of the men of his troop that had no claims to make upon Government, and in that case their discharges were given to them, and the men were understood to subscribe to that; and I, in making out the list of my own troop, put that question to them, and that was issued in the orders by the serjeant-major to us in the battalion. Orders were given for three or four nights until the men were paid off.

1703. Was your battalion ever paraded?—No; that is the only way in which it was done.

1704. General *Codrington.*] How did you collect it from the men; by asking them?—Yes.

1705. The men were asked, were they?—Yes; they came to me, or I went to them, and asked them if they had any claim to make upon Government.

1706. They were asked the question before?—Yes.

1707. *Chairman.*] Was the fourteenth battalion paraded?—No.

1708. Or the others?—I cannot say for any other than my own; we two were lying there about nine days before we were all paid off.

1709. Did you object to being discharged?—No; at the time I had got the promise of a situation, which I was unable afterwards to take, in consequence of my leg becoming bad immediately after my discharge, so much so that I was unable to do any work.

1710. But you did not make any objection to the protection paper?—No, because I was promised a situation; otherwise, I should not have taken my discharge.

James Forbes.

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1711. What did you receive in money?—I received two months' pay, which was from our leaving the Crimea on the 28th of June, and 19 days in September, and on the 19th of September I got my discharge.

1712. What do you complain of now?—I never received my compensation for clothing, and never had anything for the loss I sustained when I was shipwrecked.

1713. You were on board the "Spartan," were you not?—Yes.

1714. Have you any other complaint to make?—I have received an injury at that wreck, which has incapacitated me from employment, and I have hurt my leg; I did not complain at the time, because it was not the time or place to do so; and not having much exercise on board ship I did not feel it so much, until I came to walk about London, and then the bone came away; and I have been in the hospital since.

1715. The *Solicitor-General.*] Have you ever applied for this claim?—Yes; when I was in the hospital, I sent up to Paymaster Reeve myself, and he said there was something or other against me, which I could not understand; and the very next day I went into the hospital I sent for my money, and he sent back word that I must write to the commanding officer about it.

1716. Sir *John Ramsden.*] Who sent back word?—Paymaster Reeve.

1717. The *Solicitor-General.*] Did you apply to him?—No; because I knew he had no claim against me; I wrote to Paymaster Reeve, and never received any answer.

1718. Paymaster Reeve referred you to the commanding officer?—No; he sent the message back.

1719. Did you apply to the commanding officer?—I wrote back to Paymaster Reeve, telling him the commanding officer had nothing to do with me, and I considered the paymaster was the proper person to pay me.

1720. Why did you not apply to the commanding officer?—Because Captain Henry had nothing to do with it.

1721. General *Codrington.*] You think that the commanding officer had nothing to do with it?—No.

1722. What, not the commanding officer of the battalion?—No.

1723. Were you the serjeant of the corps?—I was quartermaster-serjeant.

1724. The *Solicitor-General.*] You were referred to the commanding officer, and you would not apply to him?—I thought Paymaster Reeve was the proper person to apply to.

1725. Have you made any application to any other person?—No; only to Paymaster Reeve.

1726. Would you not take the money from anybody else?—I should not say much about that.

1727. Sir *John Ramsden.*] What reason have you for not applying in the quarter that Paymaster Reeve tells you to apply in?—The only reason is, that in my opinion, Captain Henry has nothing to do with it.

1728. The *Solicitor-General.*] But it would not injure you to ask Captain Henry the question, would it?—No, certainly not.

1729. Were you one of the committee that was formed in July 1856?—No, I could not attend any of the meetings at that time, for I was on my way home.

1730. Colonel *Pennant.*] Did you go into any hospital after you came home?—No, I was only nine days at Brown-down.

1731. Did you do duty during those nine days?—Yes, all that there was to do.

1732. General *Codrington.*] You consented to the discharge, did you not?—Yes, I took it.

1733. You made no claim at that moment for any money?—Yes, I made a claim of compensation for clothing.

1734. Did you make that claim at the time of the discharge?—Yes.

1735. Colonel *Pennant.*] It was recorded, was it?—Yes.

1736. And you gave your address?—Yes.

1737. General *Codrington.*] Who did you make the claim to?—I made out the return of my claim and sent it to the battalion orderly-room with the particulars of the claim.

1738. Did you see Captain Vokes?—I saw the officer who gave me my discharge.

1739. Who was that?—I don't know his name.

1740. Colonel

1740. Colonel *Pennant.*] You are sure it was not Captain Vokes, are you?—I do not know.

1741. Who signed your discharge?—Captain Vokes.

1742. The *Solicitor-General.*] Have you seen this proclamation (*showing a paper to the Witness*)?—Yes.

1743. Have you seen it?—Yes; I wrote down to Bristol about it, and I applied at the Horse Guards for one of those papers upon which our claims were to be forwarded, and I sent it down in that, and it was returned to me, and I had to pay 2*d.* for the postage, because the postage was not paid, when we were told that this form of cover would free our claims being sent down.

1744. Was there any letter in it?—Yes, stating my claim for clothing and the money for shipwreck; and I went with this returned letter to the Horse Guards, and there I saw a gentleman, who told me it had no business to be sent back, and he would see to it, and he took my address, and I received no further communication about it.

1745. Sir *John Ramsden.*] When was it you saw that gentleman at the Horse Guards?—I think it would be approaching the end of December.

1746. *Chairman.*] Did you leave your address?—Yes.

1747. Sir *John Ramsden.*] Is that the same address at the place at which you are now living?—No; I have recently removed; but it was the same place of address I had left at Brown-down.

1748. The *Solicitor-General.*] How long ago is it since you changed your residence?—In the last week or two.

1749. *Chairman.*] Did you receive a paper protection, instead of a parchment discharge?—Yes.

1750. Have you found any inconvenience from that in not getting employment?—Yes; so much so, that I wrote to one of my commanding officers for a testimonial, because that had been looked coldly at by different parties.

1751. Which of the commanding officers?—Major Gore; I asked Captain Henry, previous to leaving the battalion; I asked him if he would be good enough to give me a few lines as a testimonial, and he said he most certainly would not do it for anybody, but he would endorse my discharge.

1752. Have you been refused employment in consequence of not having a proper discharge?—I have not had a positive refusal, but something more explanatory than that description on the qualification is necessary.

1753. Colonel *Pennant.*] Do you know the usual form of a parchment discharge as to character?—I know there is a portion at the bottom which is cut off if a man's character is bad.

1754. Did you ever see anything in a parchment discharge more than the words "good" or "very good"?—I have never seen many of them.

1755. *Chairman.*] Is the length of service put on?—Yes.

1756. There is no receipt for all claims paid in full on a parchment discharge, is there?—No; on the back of this protection paper it is signed, and I made an objection at the time that I had a claim still standing over, my compensation for clothing and shipwreck: upon which, I was told that it would be forwarded to me as soon as it could be investigated and made good; the claim for ship-money was 1*l.* 18*s.*, and from that they deducted 10*s.*, being a third portion, which was done with every one of the 13th battalion. In making out claims or regimental statements of loss by shipwreck, we were desired by our officers who were commanding the troop at all events to make a proper deduction from each article, and to allow for the wear and tear the article had had; we did that; and, in my own case, a knapsack, for which I was charged 14*s.* 6*d.*, I backed it at 7*s.*; but that had to share the fate of the rest of my claim, in having one-third deducted.

1757. How long did you use the knapsack?—I had it about 18 months.

1758. General *Codrington.*] Do you know the price at which knapsacks of deceased soldiers generally sell?—I have seen them sold for 6*d.*; but if I had had to get a new one, I should have had to pay 14*s.* 6*d.* for it.

1759. It is the same with other things; do you know the price at which the articles belonging to a deceased soldier generally sell?—It all depends on the article.

Colonel *M. M'Murdo*, further Examined.

Col. *M. M'Murdo*

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1760. *Chairman.*] I UNDERSTAND that you wish to correct some statement that you have made?—Yes; I wish to correct a statement with reference to the number of non-commissioned officers and men of the line that were attached to the Land Transport Corps in the Crimea at the end of the war; I have ascertained that the number was from 1,400 to 1,500, and not 400, as was stated by me.

1761. Lord *A. V. Tempest.*] Line and guards?—Yes.

John Brown, called in; and Examined.

John Brown.

1762. *Chairman.*] DID you serve in the Land Transport Corps?—Yes.

1763. Was it the first or the second levy?—The second levy.

1764. What number?—Three thousand nine hundred and ninety-six.

1765. What were you?—A corporal.

1766. What were you before you enlisted?—I was a civilian.

1767. What was your occupation?—A plasterer.

1768. When were you discharged?—On the 2d October.

1769. Where?—At Bristol; at Horfield.

1770. By whom?—Lieutenant-Colonel Evans.

1771. Not by Captain Vokes?—No.

1772. What battalion do you belong to?—The second.

1773. Was your battalion paraded anywhere?—No.

1774. Were you ever asked whether you wished to be discharged or not?—Yes, I was, by the troop serjeant-major.

1775. Where?—On board the Halifax.

1776. Colonel *Pennant.*] Did you apply for a parchment discharge when you were discharged by Captain Vokes?—Yes; I was told to go to Bristol by the officer.

1777. Were you refused a parchment discharge by Captain Vokes?—Yes.

1778. Who told you to go to Bristol?—I was put back, and I was paraded, and two days afterwards I was sent to Horfield.

1779. And you then got a protection paper?—Yes; I was the last one of the battalion that was discharged.

1780. Then you were not discharged by Captain Vokes at all?—No.

1781. Colonel *Pennant.*] What were you enlisted as?—As a third-class driver.

1782. General *Codrington.*] Had you ever been accustomed to horses or carts before you were enlisted?—No.

1783. Have you any complaint to make about your discharge?—None whatever; but I have a claim on the Government of between 4*s.* and 5*s.*, which I made at the time of my discharge

1784. Colonel *Pennant.*] Was it taken down?—Yes.

1785. Did you ever hear anything of it afterwards?—Yes.

1786. General *Codrington.*] What was it for?—For necessaries.

1787. What did they consist of?—A water bottle and havresack.

Major *Charles Robert Shervinton*, called in; and Examined.

Major *C. R. Shervinton.*

1788. *Chairman.*] YOU are a Major in the Land Transport Corps?—I was Acting Major in the Land Transport Corps.

1789. Sir *John Trollope.*] You are not in charge yourself of the Land Transport Corps?—I was.

1790. For how long?—I commanded a battalion from January; I left the Land Transport Corps in February last; I had been for some time in charge of the consolidated battalion at Horfield; I was originally in charge of the first battalion of the corps.

1791. Were you not in command at a time when a number of men were discharged at Horfield?—No; there were some discharged there.

1792. Were any discharged there that were under your superintendence?—No; I had nothing to do with the discharging of the men.

1793. Sir *John Ramsden.*] You were the president of the Court of Inquiry on Serjeant Glenie, were you not?—Yes.

1794. *Chairman.*] Are those the original proceedings that were before the court (*pointing to the Papers on the table*)?—Yes.

1795. Sir

1795. Sir *John Trollope.*] Did you investigate the claim that Serjeant Glenie made, in which he stated the sums that were due to him?—Yes, I did, most patiently.

1796. What was the result of your scrutiny?—That Serjeant Glenie had made a claim which he had no right in justice to prefer.

1797. Was the claim in fact the other way?—There was a sum of money due from him, and it would appear to be so by counting up the sums he alleged himself to have received, and those which he had acknowledged the receipt of.

1798. Have you seen the paper by which he acknowledges the receipt?—Yes.

1799. You hold them in your hand now?—Yes.

1800. Did you investigate the receipts at the time of the inquiry?—I did, and I asked whether they were his signature, and he acknowledged the receipt.

1801. Did he acknowledge them all to be in his handwriting?—I do not say all; but he acknowledged the signature to be his.

1802. You have heard his evidence here to-day, have you not?—Yes.

1803. Have you not heard him throw a doubt upon one of those receipts?—I knew he threw a doubt upon it.

1804. Did he throw any doubt upon that receipt at the time of that inquiry?—No; there was a difficulty in arriving at what was exactly right, and what was incorrect with regard to Serjeant Glenie's claim; he stated, most positively, it would appear in some portion of the proceedings of this board, that certain sums which he showed then in his book, were the sums, and the sums only, which he had received from Lieutenant Sewell. I think, in some way or other, the court was suspended until Lieutenant Sewell was called upon for his receipts, which he produced, and on comparing the receipt which Lieutenant Sewell produced, and the sums which Serjeant Glenie had said were the actual and the only sums he had received, there appears a discrepancy of 10 *l.* or 11 *l.*; I therefore thought it unwise to show Serjeant Glenie the nature of the receipt, and I therefore covered the amount and the date on which that receipt had been given by him, in the same way that he said here to-day, he could not call to mind his having given a receipt for a sum of money on that date, whatever it was. He said, he could not call to mind his having given a receipt on that day; and having stated to the board, that on certain dates which appeared in it somewhere, that those were the dates on which he had given a receipt for the money, I thought it was quite possible he would deny the receipt, which I was able to prove was his handwriting.

1805. Was that the reason you only showed him the signature, and not the body?—No; I showed him everything except the date of the receipt and the amount.

1806. He has stated here to-day that you showed him the signature only, and double-backed the body of the receipt?—It is several months ago, and a great many claims have passed through my hands, and therefore it is possible my recollection may not be accurate, but my conviction is that I showed him the receipt without letting him see either the date or the amount, and having shown him the receipts, and having proved it to be his signature I laid them on the table, and, having done so, it was for him to ask to see them if he wanted any further information about them.

1807. Sir *John Ramsden.*] The amount is stated in the receipt in letters, as well as given in figures, is it not?—It is.

1808. Is it so in all the cases?—It is; therefore perhaps I may be permitted to correct myself; I may have only showed him his actual signature; I cannot recollect precisely what did take place, under the circumstances; my only object was to hide the amount and the date from him, and accordingly I took proper measures for that purpose.

1809. It being written in letters in the body of the receipt, as well as put in figures at the corner, it would therefore have been almost impossible to have altered the amount in the body of the receipt without some erasure being apparent on the face of the document?—Quite so.

1810. *Chairman.*] Is it possible, in the way you folded the receipt and showed him the signature, to hide the date and the amount without showing the body of the document?—No, I do not think it is.

1811. Then, in fact, he never saw the body of the document?—It is possible he might not; I do not recollect.

Major *C. R. Shervinton.*

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1812. Is it possible to fold up that paper in such a way as only to show the signature, hiding the amount, the figures and the date, without also hiding the body of the receipt?—I do not think it is.

1813. Then he never could have seen the body of the document?—Most probably not.

1814. Sir *John Trollope.*] Are you conversant with his handwriting?—No; I never saw it till that time.

1815. Then you do not know it from any other document that has been before you?—No.

1816. You have no knowledge whether it is his handwriting or not?—No.

1817. *Chairman.*] Then you did, in fact, conceal from him more than the amount and the date?—I suppose so; if I folded back the document as he says, I could have only showed him a small portion of the document.

1818. General *Codrington.*] Your object being to get at the knowledge of the authenticity of the signature by Serjeant Glenie himself?—Yes.

1819. That was the object with which it was done, to ascertain the authenticity of the signature, and to get an acknowledgment of that authenticity?—Yes.

1820. As I understand you, when that turning back took place, and his signature was shown to Serjeant Glenie, the object was to get an acknowledgment of the authenticity of the signature by Serjeant Glenie himself?—That was the only object.

1821. *Chairman.*] Did you not state in the early part of your evidence, that you had another object, which was, that you thought the result of the investigation would bring Serjeant Glenie in debt to Lieutenant Sewell, and therefore, you did not wish him to see the date and the amount?—The object was to prove the authenticity of the document from which the other was a *sequitur.*

1822. Another reason was, that the accounts were in that state that you did not wish him to see what the receipts altogether contained, because if he saw the whole he would see that he was rather in debt to Lieutenant Sewell?—I had nothing to do with any debt of his to Lieutenant Sewell; I had only to deal with the debt which he alleged was due from Lieutenant Sewell to him, and therefore I had nothing to do with his owing Lieutenant Sewell money; I was only ordered to investigate if there was a debt due from Lieutenant Sewell to him.

Lunæ, 29° die Junii, 1857.

MEMBERS PEESENT.

Mr. Baxter.	Sir John Ramsden.
General Codrington.	Mr. Roebuck.
Mr. Duncombe.	The Solicitor-General.
Colonel Pennant.	Lord Adolphus Vane Tempest.

T. S. DUNCOMBE, Esq., in the Chair.

J. Dherman.

29 June 1857.

Juliane Dherman, called in; and Examined.

1823. *Chairman.*] DID you serve in the Land Transport Corps?—I served in the Land Transport Corps.

1824. What as?—As pay and quartermaster serjeant.

1825. In the Crimea?—In the Crimea, and at Hertford Barracks.

1826. When did you return?—On the 15th August.

1827. When did you get your discharge?—I got my discharge in the latter part of last January.

1828. Where did you claim your discharge?—I claimed my discharge at Woolwich.

1829. Why

1829. Why did you not get it at the time?—At the time I had an opportunity of going to Australia.

1830. When was it you were at Woolwich?—On the 15th I was at Woolwich.

1831. Having landed when?—On the 6th, I think; this was on board the Hulk "Hebe."

1832. Did you not see Captain Vokes?—No; I was ordered to remain to settle the accounts of the battalion.

1833. By whom?—By Captain M'Neile and Captain Delamere.

1834. What battalion did you belong to?—To the 10th battalion.

1835. Were you paraded previous to your disembarkation?—Yes.

1836. Were all the men asked if they wished to be discharged?—No, they were not; they were ordered to be discharged by Captain Vokes and the officer commanding the troops.

1837. Did any of them object to their being discharged?—Yes.

1838. How many?—As many as 69 of them.

1839. Colonel *Pennant.*] Where was that?—At Woolwich.

1840. *Chairman.*] They objected at Portsmouth, I suppose, previously?—I know nothing about that; I was not at Portsmouth.

1841. General *Codrington.*] You disembarked at Woolwich from the Crimea, did you not?—Yes.

1842. Captain Vokes was not at Woolwich, was he?—Yes, he was.

1843. You said you wanted your discharge at Woolwich?—Yes.

1844. And you did not get it till January?—Yes.

1845. Why did you want it at Woolwich?—Because I got a situation to embark for Australia.

1846. Did you lose that situation in consequence of not having your discharge?—Yes; I got the certificate, and Serjeant Glenie has now got it.

1847. You went to Horfield?—Yes.

1848. And when were you discharged?—On the 26th January.

1849. Did you get a parchment discharge?—No; I only got a protection paper.

1850. Were all your accounts paid?—My accounts were settled up, with the exception of a claim I have got against an officer, which I shall not mention before this Committee.

1851. General *Codrington.*] Do you say you claimed your discharge at Woolwich?—Yes.

1852. Who was it from?—From Captain M'Neile and Captain Delamere.

1853. What objection did they make to your being discharged?—Because my services were longer required in settling the accounts of the battalion.

1854. In settling the accounts with the battalion?—Yes.

1855. You being pay and quartermaster serjeant?—Yes.

1856. *Chairman.*] You claimed your discharge under a clause in the warrant, which said that the men might claim their discharge at the end of five years, or when a definitive treaty of peace was signed?—Yes.

1857. And it was on that occasion that you were refused?—Yes.

1858. The *Solicitor-General.*] Was it your business to settle up the accounts of the battalion?—Yes.

1859. It was part of your duty, was it?—Yes; up to that time I was clerk to the paymaster.

1860. Was it part of your duty at that time to settle up the accounts of the battalion?—Yes; but I could have handed the accounts over to somebody else.

1861. But it was your duty at that time to settle up the accounts of the battalion?—Yes.

1862. And I suppose the accounts being unsettled was the reason assigned for not giving you your discharge?—Yes.

1863. Were you told at the same time you could be discharged when the accounts were settled?—Yes.

1864. Were you discharged when the accounts were settled?—I was not discharged till the 26th January.

1865. Were you discharged on the settling of the accounts?—Yes.

1866. You were discharged from that time?—Yes.

 1867. *Chairman.*]

J. Dherman.

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1867. *Chairman.*] Do you mean that all the accounts were settled?—No; only the accounts of the men of the 10th battalion.

1868. Who was the paymaster of your battalion?—There was a committee for the paymastership.

1869. Had you charge of the accounts?—Yes.

1870. General *Codrington.*] And they depended on you as to the knowledge of the correctness of those accounts?—Yes.

1871. *Chairman.*] Did you ask for a parchment discharge?—Yes, I did.

1872. Was it refused to you?—It was in a manner; it was said that the protecting certificate was the same thing, and was a legal discharge.

1873. The *Solicitor-General.*] Did you ask to have your character put upon the discharge?—Yes, the character was given in the discharge.

1874. General *Codrington.*] What service are you in now?—I am in the East India Company's service.

1875. The *Solicitor-General.*] What branch of the service?—The Rifles.

1876. When you went into the East India Company's service, did you produce the paper that you had given to you?—Yes.

1877. And they took it, did they?—Yes; I should not have enlisted, but that I could find no employment at the time of my being discharged, because it was in the middle of winter.

1878. General *Codrington.*] You enlisted in the East India Company's service?—Yes.

1879. Do you still receive the pay of a serjeant?—Yes.

1880. What was your pay as quartermaster?—Four shillings and four-pence a day.

1881. *Chairman.*] Your complaint is, that you have lost a good situation in Australia, by having been refused your discharge according to the form of the Royal warrant?—Yes; having at the same time the best testimonials as to conduct and character.

1882. Colonel *Pennant.*] What was the situation you lost?—I could have got a recommendation into the Australian police.

1883. The *Solicitor-General.*] Suppose you had been discharged at a moment's warning at Woolwich, do you mean to say that your accounts without inconveniencing the public service could not have been handed over to some other person?—They might after about a fortnight.

1884. Suppose any dispute to arise about the accounts of which you were only personally cognisant, could any other person have explained them?—I was only the clerk to the committee of paymastership, and I had nothing to do with the accounts of men separately.

1885. You made the entries, I suppose, from time to time?—No; I did not.

1886. How long had you been employed as their clerk?—Since the month of March 1856.

1887. Were you employed out in the Crimea?—Yes, by the committee.

1888. Was it not very possible that questions might arise with reference to your accounts that you would be required to settle?—No, the paymaster had all the documents.

1889. But some of the documents were in your handwriting, were they not?—Yes.

1890. General *Codrington.*] You had to enter the sums as the balances of the different troops?—Yes; that is all.

1891. That was all that you had to do there?—Yes.

1892. Had you a book?—Yes.

1893. And you were answerable for the correctness of the book under the paymaster?—Yes.

1894. You were answerable for the correctness of the examination and putting it in the paymaster's ledger?—Yes.

1895. Do you think that could have been as well done by another person who had not entered those things?—Yes, I think so.

1896. *Chairman.*] In the royal warrant there is no exception made in favour of paymaster's clerks not claiming their discharge, or any other man, is there?—No.

1897. The

1897. The *Solicitor-General.*] What countryman are you?—I was born on the Continent, but I am a Welchman. *J. Dherman.*

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Captain *C. P. Williams*, called in; and Examined.

1898. *Chairman.*] WERE you in command of any portion of the Land Transport Corps in the Crimea?—I was. Captain *C. P. Williams.*

1899. When did you return?—I landed at Portsmouth on the 6th of August 1856.

1900. General *Codrington.*] When were you in the Crimea?—In the month of November 1855.

1901. *Chairman.*] What battalion did you command?—The second.

1902. Was it paraded on board ship before they landed?—Yes, generally.

1903. Were the men asked if they wished to be discharged?—Yes, they were.

1904. Was it the general feeling of the men, in your opinion, that they wished to be discharged, and were very glad to get away, as has been stated by Captain Vokes?—No; I think there was a great diversity of feeling and opinion among them; they had been very hardly worked in the Crimea, and subjected to very great privations in different ways, at one time or another, and from the circumstance that they had had a very long voyage; for there was my battalion and another battalion in the same ship for something like six weeks. It was very natural that the men should be anxious, in one sense, to get away, although a number of them expressed great dissatisfaction at being obliged to leave after so short a service, having been told in the first instance that they would remain in the service for five years, and at the same time they were told, if they were to remain they must go back to Horfield and undergo drill, and all those sort of things; and having been so long away from home, the men were acted upon by natural feelings, and many of the men would not run the risk of further confinement, but preferred sacrificing what they felt to be their rights and claims.

1905. General *Codrington.*] When you stated that the men were hard worked in the Crimea, you referred to a period previous to the months of March and April 1856?—Yes; I referred to the work in the winter, when the weather was exceedingly inclement.

1906. Subsequent to March and April 1856 do you consider that there was any extraordinary hardship?—No, decidedly not; things had then come to a state in which there was more regularity.

1907. What kind of discharge did the men receive?—They received a protection paper.

1908. Were they satisfied with the protection paper?—They were not.

1909. What did they require?—Parchment discharges in very many cases.

1910. Is that within your own personal knowledge?—Yes, decidedly so.

1911. Then the men were well aware that they were entitled to parchment discharges?—Yes, a number of them knew from the fact, that there were a number of marines on board, and the marines, of course, told them that their discharges were not the proper discharges; and of course some few of the men, as well as the non-commissioned officers, had leave of absence, and the matter was talked over and canvassed, and the men were made aware of the discharges they ought to have had when their discharges were given to them.

1912. Did they apply for them?—Yes, in many cases.

1913. To whom?—I believe to Captain Vokes, and in many cases to the regimental officers, and they have come to me.

1914. Were the men dissatisfied at leaving Portsmouth with their claims unsettled?—Yes, they were.

1915. Were the men unsettled with?—I should say a great many of them were; the reason they expressed for their dissatisfaction was this, the men came and said, "With our claims unsettled, we are told to give our references or addresses;" now this has occurred to myself, and therefore I can speak to it. They have said, "What addresses can we give, sir? I am on the road to-morrow morning." I have said, "What do you mean by that?" and the men would answer, "I shall go and get work."

1916. *Chairman.*] In point of fact, no Board sat to adjust their claims?—Not that I am aware of.

Captain *C. P. Williams.*

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1917. If a Board had sat, according to the regulations of the service, then all this would have been obviated?—Yes; most decidedly.

1918. Do you think the men were fairly used as to the mode in which they were discharged?—Decidedly, I think they were not. The men were perfectly aware they were entitled to a proper discharge from the very fact that Colonel M'Murdo's own handbook had stated that the men should receive a parchment discharge.

1919. Do you mean according to the code of regulations?—I do; I have the rules myself.

1920. Was it drawn up and authorised by the War Office?—Yes, I believe it was authorised by the War Office.

1921. Were the regulations which were circulated in that book supposed to be the regulations of the corps?—Decidedly so.

1922. General *Codrington.*] At all events, the men were enlisted as soldiers, and by the articles of war, it says that every soldier has a right to a discharge according to the regulations of the corps?—Yes.

1923. Colonel *Pennant.*] Independently of there being that dissatisfaction about their not receiving parchment discharges, were any of the men discharged against their wish at Horfield, except those who had unsettled claims?—I am hardly prepared to say whether they were or not discharged against their wish, but I know there was a number of the men there who were kept a long time before they were discharged with their claims unsettled.

1924. But at Portsmouth or the other places were there any men who were discharged with unsettled claims against their wish?—Yes, generally, because they expressed themselves unsettled at the time for the very reason I have already given. The men who were told to leave their addresses; they said, what addresses can we leave; and on the other hand, there was the feeling that they would rather wait and have their claims settled.

1925. Did any of the men apply to be retained on the strength of the corps that were refused?—Some men did, but I do not know of any individual case that came to my knowledge where they applied to be retained and were refused.

1926. General *Codrington.*] Were they not sent to Horfield?—Many of them were.

1927. The *Solicitor-General.*] Do you know of any of them being discharged against their consent at Portsmouth?—I know that the men were discharged in the way I have already mentioned, and the men objected to be discharged under the circumstances, knowing that there were claims at the same time; they said, "Well" (if I may use their language), "curse the claims!"

1928. Then they were finally consenting?—Yes.

1929. Who was the person who discharged them; was it Captain Vokes?—Decidedly; because he was sent down with extraordinary powers.

1930. Now, Captain Vokes has been examined here, and I wish to ask you, do you know of any instance in which any man was discharged by Captain Vokes against his consent expressed to Captain Vokes?—Not individually.

1931. You have stated that the men wished for parchment discharges; was Captain Vokes the person to whom the men should have addressed themselves for parchment discharges?—Yes; I have said so, because he was a person vested with extraordinary powers to pay the men.

1932. Can you state any instance in which any of the men applied for a parchment discharge to Captain Vokes in August?—I cannot state any particular instance.

1933. Can you state any instance, in your own knowledge, in which you were present when any single man applied to Captain Vokes for a parchment discharge?—Not in my presence.

1934. He would have been the proper authority to apply to, would he not?—Decidedly so; at least, I should say so, because I understood that Captain Vokes paid those men off, with the assistance of the paymaster of the regiment, and the officers were not in the habit of interfering, unless some particular question was asked; they were not in the habit of being in the room.

1935. Did you ever make any observation to Captain Vokes that the men wished for a parchment discharge?—No.

1936. Were you ever requested by any of the men to do so?—I was not; it was

was known to all of us that the men were making complaints; there was a general feeling about it.

1937. You say that some of the men complained of not getting parchment discharges; did others complain of being discharged before the end of five years?—Yes; I heard that.

1938. Did you also hear complaints that they were not instantly discharged, but, on the contrary, they were retained longer than they wished to be?—Yes.

1939. Then there were, in point of fact, three classes of complaints?—Yes.

1940. Some complained that they were not kept for five years, and others complained that they were kept as long as they were?—Quite so; I do not understand you to say that they had served so long in the Crimea.

1941. No. You have heard the witness Dherman?—Yes.

1942. He said he was detained longer than he wished to be retained?—Yes.

1943. Did you hear any other complaints of that kind?—I presume he was retained because the others were unsettled with, if he was retained against his will.

1944. He was engaged in making up the accounts?—Yes.

1945. Could the clerk who was engaged in making up the accounts of the regiment be discharged till the account was settled without great detriment to the public service?—I should say not.

1946. Were you in the service at the time the second levy was being recruited?—I was.

1947. Had you anything to do with the recruiting of the men?—Nothing whatever.

1948. Were you present at the attestation of any of the men?—Yes, I was; I have heard them attested by Captain Stevens.

1949. Have you been present when they were attested before the magistrates?—No; but I have been when they were enlisted.

1950. Colonel *Pennant.*] Did you, at any one time hear any of those men speak of the terms of the enlistment as being a certain service for five years?—They took it for granted that they were enlisted for five years, at least that was my impression.

1951. They took it for granted that the Government were bound to keep them for five years?—Yes; there is no doubt that that was their impression.

1952. Some of the men were enlisted in Ireland, were they not?—Yes.

1953. Have you heard any of the men from Ireland complain that the terms held out and the promises made by the officers have not been fulfilled?—Yes, decidedly I have; in fact, I was present at Horfield Barracks when I have heard that.

1954. What did you hear them state?—I heard them state that there was a very serious amount of dissatisfaction amongst the men at that period in Horfield Barracks, amounting, in fact, to open insubordination.

1955. General *Codrington.*] Was that on your embarkation for the Crimea?—No, it was previous to that; those men had just been brought over from Ireland.

1956. Colonel *Pennant.*] What was the nature of their complaint?—That promises had been made which had not been fulfilled. They considered that the promise of the 5*l.* bounty was to be free, and that their kit was not to be taken out of it.

1957. *Chairman.*] Is it your belief that that inducement was held out to them by the officers?—I am afraid it was; at least, that was the impression.

1958. The *Solicitor-General.*] Do you know of any instance in which that inducement has been held out?—Not personally.

1959. *Chairman.*] Was any officer's name mentioned who held out false hopes to the men?—Yes.

1960. Who was that?—Captain Vokes; that was the name that was mentioned.

1961. Was that in Ireland?—Yes.

1962. Was he recruiting in Ireland—Yes.

1963. The *Solicitor-General.*] Was it mentioned in his presence?—No.

1964. *Chairman.*] You said Captain Vokes had held out false hopes?—Yes; according to the men's statement. Those were the cases mentioned where there was great dissatisfaction and insubordination at Horfield.

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1965. Did they state that they had been misled by Captain Vokes?—That I cannot say.

1966. Colonel *Pennant.*] Did they produce any placards that had been circulated by Captain Vokes or the officers who enlisted them?—I heard the men had brought placards with them showing that those were the terms.

1967. Have you ever seen one?—No.

1968. Did you ever see any bill of any sort which held out that the terms of the enlistment were to be that the kit was to be free?—No; the first bill I saw was in London, and it seemed to me to be of a very doubtful character; it was a bill capable of being read two ways. I think the bill was afterwards altered.

1969. Has not that been the case with regard to every branch of the service for many years, that there is always a doubt as to the terms of the enlistment?—I cannot say that I have paid any particular attention to it; the recruiting system is too often of a very loose nature; it is with very great deference I make that remark. I think it should be more explicit with regard to the terms of the enlistment.

1970. *Chairman.*] Are you aware that the men in the Crimea suffered severely from great privation and sickness?—I am perfectly aware of it; there can be no doubt of it in the mind of any officer, and in fact of all who saw it as I did.

1971. Was the mortality very great among the men?—Very great.

1972. In which levy was it the greatest?—The levy that went out from the month of November until the spring of the year, until the weather broke there; the men who landed between November and the end of February.

1973. Do you mean that the sickness arose from the want of sufficient clothing or food?—I am afraid it arose from a variety of circumstances. It arose in the first place from a very great number of the men being enlisted who ought never to have been enlisted, who were, in fact, not men but boys, and who were, in fact, totally unfit, in my estimation, for the work they had to perform, and the hard and severe duties which it was necessary they should go through. In many of the cases they were obliged to land without proper clothing, and they were landed up to their ankles in mud and wet, having just come from shipboard, where they had all necessaries and comforts which men could reasonably require.

1974. Are you aware of the terms upon which the men enlisted, that they were to have their rations free and their clothing free?—Decidedly.

1975. Was that condition fulfilled on their embarkation for the Crimea?—Well, in many cases it was not perhaps; but it is not for me to say the reasons why the thing was or was not. I went out to the Crimea with a body of 600 men, and many of those then went out improperly and with no tunics at all.

1976. Colonel *Pennant.*] Did they receive an allowance for that?—They were to receive their tunics after they got there, and I suppose from time to time perhaps they did; but they went out without tunics and other necessaries.

1977. If the condition of the enlistment was free service and free clothing, was that condition fulfilled?—I think not.

1978. Do you believe that compensation is admitted to be due to them for the loss they sustained?—I believe that the authorities admit it. In fact, I have heard they do not question it.

1979. Then as far as the authorities can do it, the non-fulfilment of that condition is made up to them, or will be made up to them?—Yes, I should hope so.

1980. You have stated that in your opinion the men were cruelly used on their return home by the abrupt manner in which they were discharged?—I think they were hardly used; but I speak with deference, because the men naturally made comparisons between the work they had done and the difficulties they had gone through, and the treatment of the German Legion, which was then being paid off in line at Browndown. Now the German Legion had never gone beyond Constantinople.

1981. General *Codrington.*] Do you know that the condition on which the German Legion was levied, was that they were not to have a bounty?—I believe that it was.

1982. On discharge?—Yes.

1983. Colonel *Pennant.*] Was there any difference between the pay of a private

private soldier in the German Legion and that of your corps?—I am not prepared to answer that question; but I think they were very highly paid.

1984. Were they paid differently from an English private soldier?—I think their pay was higher than most English regiments.

1985. Do you know that as a fact?—I will not be certain as to the amount, but the pay would be good pay for them; the pay to an English infantry soldier would be comparatively much higher to a soldier in the German Legion.

1986. I suppose the pay of a person in the Land Transport Corps was higher than the pay of an English private soldier?—Yes, and it should have been.

1987. *Chairman.*] I understood you to say, that you thought they were hardly treated on account of their not having received a proper discharge, and a Board not having sat upon them?—Quite so.

1988. Is that opinion shared in common with any other officers?—Yes; I have heard it expressed by many other officers.

1989. Then it is not your individual opinion?—Oh dear, no.

1990. When the German Legion was discharged, did regimental Boards sit upon the men's claims previous to their discharge?—I am not prepared to say whether that was the case or not, because I was not quartered at Browndown, but I believe they were legally discharged.

1991. There were several hundreds discharged, and Boards sat upon them in the proper regulation manner?—I believe it was so. I have no reason to believe it otherwise. There seems to have been a great mistake with regard to the Land Transport Corps being so highly paid in proportion to the others; but I am quite sure, that any officer, who knows the facts and circumstances connected with the case, will at once understand the reason why it was natural they should be so. These men were up at half-past three and four o'clock in the morning, in the depth of winter, and were engaged in very hard duties from that hour in the wet and cold, and in such weather as those who were out there, know perfectly well what it was, when of course other regiments throughout the rest of the army would be resting.

1992. General *Codrington.*] You do not think it worse than trenching, do you?—No, certainly not.

1993. But it was all hard work?—Quite so; many people run away with the idea that the corps was highly paid for no reason at all; but I think the reason was extremely good, because at that time it was not only difficult to get men, but really at one period it was almost impossible. We did not have the men we should have had to perform the duties; in fact, they were not men; the great majority of them were boys, who were literally taken out there to die; they not only had not the stamina which was necessary, but they were recruited from a portion of the community who had no knowledge whatever of the nature of the work which they were called upon to perform; they were boys, in fact, taken from tailors' boards and all sorts of trades. The poor fellows acted exceedingly well, and no men could have behaved better as far as their powers went, but their powers were not equal to the occasion, and their knowledge was not equal; so that when we got these men out there, it was a long time before you could get them to be efficient.

1994. In point of fact, you had to teach them their duty entirely in the field?—Yes; my own opinion is, that the men were recruited from a wrong portion of the community; instead of going to London and places where the men were at work at trades, they should have recruited from the rural districts.

1995. *Chairman.*] There is no accusation that the men did not do their duty?—No, certainly not; the men did their duty exceedingly well.

1996. Colonel M'Murdo states that the corps was raised in a great hurry, and that this was the consequence: "The first thing that was required was to get England's work done, and the next to re-arrange the accounts of the men; those of necessity dispersed, the non-commissioned officers and men of the Land Transport Corps had done the former right well;" that is, they had done England's work well?—Certainly.

1997. There is no charge against the men of not having done their duty?—No, none at all.

1998. General *Codrington.*] You mentioned it principally to show the difficulty the men laboured under?—Yes; and I am sure every officer will bear me out in

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this statement, that the men bore their difficulties with a wonderful amount of fortitude; in fact, in my mind, it amounted to heroism.

1999. The *Solicitor-General.*] What do you suppose the great advantage of a parchment discharge would have been, instead of a paper protection?—In the first place, it is more durable.

2000. Is there any other reason?—In the next place, upon the parchment discharge the man could have his character put down without the chance of its being rubbed out; and further, it is very natural that the men should desire to have the same discharges as the other men have.

2001. Colonel *Pennant.*] Do you think there was any feeling among them that they were made an exception, as if they had not been soldiers?—I am afraid there was, to a certain extent.

2002. *Chairman.*] Is it not a soldier's right, in your opinion, to have a parchment discharge?—There can be no question about it.

2003. Does not the public know that also; so that, when a soldier has been discharged, and offers himself for employment, is it not usual to ask the man for his discharge?—Decidedly so; and in many cases I have had men write to me for characters in my own battalion.

2004. Is not that a proof of the advantage of the parchment discharge over the protecting paper, that may be blotted and scratched?—No doubt of it.

2005. The *Solicitor-General.*] Those are the only qualities of superiority which you attribute to the parchment discharge over the paper protection certificate?—Yes; they are of such a quality that they cannot well be done without; you must give the man something, and the more useful you make the document the better.

2006. *Chairman.*] The first and greatest value of the parchment discharge is, that it shows he has been a soldier?—Yes; and it is his right to have it if he desires it.

2007. General *Codrington.*] Were you present at the disbanding?—No.

2008. Do you know the practice when the corps is discharged, as distinguished from the individual cases of soldiers being discharged?—I believe, in disbanding, one cannot be done without the other.

2009. Have you had any experience of what the practice has been in disbanding the corps?—No.

2010. *Chairman.*] This, as I understand you, was not a general disbanding?—No; it was a reduction; we in nowise considered it as a disbanding.

2011. It has been proved to be a partial reduction, by some of the men going to Horfield, has it not?—Yes, decidedly so; and it was so considered by us; that it was to be merely a reduction.

2012. The *Solicitor-General.*] Does the corps now exist?—It does not; except under another name, namely, the Military Train.

2013. Are you an officer of the Train?—No.

2014. Colonel *Pennant.*] Did you hear that any officer from the War Office had circulated, in the City of London generally, that any man who wished to have their paper certificates exchanged for parchment discharges, would be at liberty to do so?—Yes, I heard a rumour to that effect.

2015. Was that taken advantage of?—I am unable to state whether it was or not, because I had left the corps; in fact, I was at Bristol until the 1st of March, and returned, and all this matter was previous to that. But I heard that distinctly.

2016. *Chairman.*] Do you know any man of your own battalion that wanted his discharge, and could not get it?—Yes; a man of the name of Howard; Serjeant Howard.

2017. General *Codrington.*] Was he pay serjeant?—Yes.

2018. Do you know that he was detained for the purpose of making up the accounts?—I am not prepared to state he was kept for the purpose of making up the accounts; but I think he was kept for some settlement of claims.

2019. Of his own, do you mean?—Yes.

2020. For his own purposes?—Yes; but he was kept for a long time; there was some dispute about his claims.

2021. *Chairman.*] Where is he now?—Down at Norwich.

2022. He is discharged now, is he?—Yes.

Henry

Henry Warner, called in; and Examined.

2023. *Chairman.*] WHAT capacity did you serve in, in the Land Transport Corps?—As Superintendent.

2024. In what capacity did you enlist?—As a driver, in the ordinary way, and then I went through the regulations in the ordinary way, until I reached the rank of superintendent.

2025. Did you serve in the Crimea?—No; I was at home all the time.

2026. General *Codrington.*] At Horfield?—Yes; at Horfield.

2027. *Chairman.*] Then you did not go to the Crimea?—No; I was chief orderly-room clerk at the depôt at Horfield.

2028. Had you charge of the books?—Yes, I had.

2029. Had you charge of the books which showed the mortality that took place in the first and second levy then in the Crimea?—Yes.

2030. Can you state the deaths that occurred in the first levy, while the men were out in the Crimea?—Yes.

2031. How many men returned home of that levy?—I could not state unless I had the records to refer to.

2032. Are they in London?—No; they are at Horfield, I believe.

2033. It has been stated that not above 700 men out of the first levy of 2,100 returned to England?—I am not aware whether they died, or how it was they did not return to England, without having the records before me.

2034. Do you believe that that is a correct statement?—I do not think there were so many as that.

2035. From your own knowledge, or by the accounts, can you say that one-half of the men returned to England?—According to the returns received from head-quarters, there were not more than 40, on the average, that died monthly.

2036. Colonel *Pennant.*] Do you know that from your own knowledge?—Yes.

2037. The *Solicitor-General.*] How long?—Ever since April 1855.

2038. General *Codrington.*] Are you speaking of the first or second levy?—The first and the second levy.

2039. Colonel *Pennant.*] You are taking the whole period of time they were out in the Crimea for making this average?—Yes; that is the number returned from the Director-general.

2040. General *Codrington.*] Is it a return made on a general statement after the war, that is within your own knowledge?—No; it is the regular monthly return furnished by head-quarters to the depôt.

2041. Do you know that to be the average monthly report from the time the corps was out in the Crimea?—Yes.

2042. You know that the average return was 40 per month died, do you?—Yes.

2043. The *Solicitor-General.*] Would not the return be from month to month?—Quite so.

2044. The monthly return that was made month by month would not be an average, but it would give the number who had died in the past month?—Yes.

2045. That may have been made up at the conclusion of the service?—Yes; I made it up for my own information.

2046. You took the number of months you were out there?—Yes.

2047. How many months did you strike the average upon?—Some twelve months.

2048. You made out that the whole number that had died in the Crimea was 480?—Yes.

2049. General *Codrington.*] What was the strength of the corps?—8,500.

2050. Do you take the average strength?—That is the total strength.

2051. At what period are you speaking of; was it when the men first went out?—The first levy numbered upwards of 2,000.

2052. How is it you take the average of 8,500?—That is not the average; that is the total number of men recruited for the corps.

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2053. At what period?—The total strength of the corps was 8,500; the total number that were raised for the corps, but not the total effective strength.

2054. You mean the total number of men that were raised was about 8,500, and out of them 480 died?—Yes; but when we got to Bristol, there were from 500 to 600 men not accounted for; they became non-effective; they were not properly accounted for.

2055. *Chairman.*] Are they supposed to have deserted, or what?—They may be dead, or they may have otherwise become non-effective.

2056. The *Solicitor-General.*] They could not be dead, I suppose, or you would have known it by the returns?—Yes, if the returns were correct.

2057. You take the average upon the returns made?—Yes.

2058. You gave an average of 40 per month, or a total of 480 men, that had died in the Crimea?—Yes.

2959. *Chairman.*] Then, by all the official documents, Colonel M'Murdo was perfectly justified in stating that this is an exaggerated statement?—Yes, I think he is; I think there was more than 700 men returned out of the first levy, but that can only be proved by reference to the roll of the regiment.

2060. Colonel *Pennant.*] Do you know the number of men that were discharged after their return from the Crimea?—No; the men were discharged at Portsmouth, and I was not cognisant that they were entered afterwards from rolls furnished by officers commanding the troops.

2061. Should they not have been?—They should have been out in December, when I left.

2062. But they had not been?—They had not.

2063. General *Codrington.*] Do you know anything of the enlistment of the men?—Yes; I was at the head quarters.

2064. What do you call the head quarters?—At Bristol.

2065. Were you ever present when the men were attested?—Yes; I have attested them myself, and I have attended before a magistrate to attest the men.

2066. Were you present when many other men were attested?—Yes.

2067. Was it your duty to be present?—Yes; I was obliged to take the men up.

2068. Did you attest any men yourself?—No, I had not the power.

2069. Was the attestation generally read over to the men?—Yes; it was read over by the magistrate.

2070. Does not the magistrate sign it after he has read it over to the men?—He does.

2071. Have you got the attestation?—I have got a duplicate, I think.

2072. Does not the magistrate read over these words; did you hear the magistrate generally read over these words, "Are you willing to be attested, to serve in the Land Transport Corps for the term of 10 years, provided Her Majesty should so long require your services"?—Generally it was read.

2073. What do you understand by those words, "provided Her Majesty should so long require your services"?—I should say Her Majesty would be empowered to discharge the men; if they are enlisted for 10 years, I should fancy the men would have a claim to remain for that period.

2074. You say if they are enlisted for 10 years, they could claim to remain for that period?—Yes.

2075. What is the meaning of the words "Provided Her Majesty should so long require your services;" I think you said just now that you thought Her Majesty could discharge them when she thought proper?—Yes.

2076. Do you understand that now by those words?—I never thought about it before.

2077. You have heard them read, you say, frequently by the magistrates to the men?—Yes.

2078. *Chairman.*] Are you still on the strength of the Land Transport Corps?—No, I took my discharge in December last.

2079. Then you do not belong to them now?—No.

2080. The *Solicitor-General.*] What discharge did you get?—I got the usual discharge the other men received, just the same as the rest.

2081. General *Codrington.*] Was it a parchment discharge?—No.

2082. Did you ask for a parchment discharge?—No, I did not.

2083. Colonel

2083. Colonel *Pennant.*] Were you at Horfield when any of the men were discharged?—Yes.

2084. Did you hear any of the men object to being discharged before the termination of the five years?—Yes, I did frequently.

2085. I mean independently of their not receiving parchment certificates, did you hear any of the men claim to be retained in the service?—Yes, I did.

2086. General *Codrington.*] Did they mention any ground for their supposing they were to remain five years in the service?—They mentioned having enlisted for a certain time, that they considered they were entitled to be kept on.

2087. When did you hear of that objection?—As early as April or May 1856, when they first commenced discharging the men.

2088. Was that on the first landing of the men in England?—No; it was immediately after the declaration of peace.

2089. After their first landing?—No; there were some men at the depôt that were discharged long before.

2090. Did they make any objection to being discharged before the five years?—They did.

2091. With respect to any of those that were discharged at Horfield, did they make that objection then in August 1856?—Yes, and even later.

2092. That was the time they returned from the Crimea, was it not?—Yes.

2093. On their first return from the Crimea, the men complained that they were discharged against their will, did they?—Yes.

2094. How many of them made that complaint?—Some hundred or two.

2095. They objected to being discharged, did they?—Yes; some of them had claims.

2096. Did they object on account of their claims not being settled, or did they object because they considered themselves entitled to be retained for five years?—Many of them objected because they considered they were entitled to be retained for the full period.

2097. Can you mention the name of one of them?—No.

2098. Did any one of them mention it to you personally?—No; it was done generally to the adjutant.

2099. Who was it?—Cornet M'Cull, who now belongs to the Military Train.

2100. Colonel *Pennant.*] Were you present?—I was.

2101. General *Codrington.*] How many men made the objection, irrespective of those who had claims?—Perhaps 20 or 30.

2102. You were Troop Serjeant-major?—Yes.

2103. What was your pay?—Five shillings a day.

2104. Had you ever been accustomed to horses before?—Never; my profession was that of a clerk.

2105. Did you suppose that you would remain in the orderly room, or did you enter for the purpose of going to the Crimea on service?—I entered for the purpose of going out to the Crimea.

2106. But you had been employed specially in the orderly room?—No, I was retained by Major Ireland to assist there.

2107. I suppose, finding that you were an educated man, you were employed in this way?—Yes.

2108. *Chairman.*] Have you seen any of the men marched out of the barrack-yard, in consequence of not liking to receive the paper certificate?—I have.

2109. How many?—Some half dozen I should say.

2110. What have they gone out of the barrack-yard with?—They have been marched out with a file of the guard.

2111. Have they taken the paper with them?—No, it has been left outside, and they might take it or leave it as they thought proper, and that was the understanding; it was generally taken outside for them, and left outside the gate.

2112. The *Solicitor-General.*] Was that when they refused to accept it?—Yes.

2113. *Chairman.*] What do you mean by saying it was put outside; where was it put?—On the wall.

2114. Not thrown after them?—No; I never saw that.

J Huchins.

29 June 1857.

John Huchins, called in; and Examined.

2115. *Chairman.*] DID you serve in the Land Transport Corps?—I did.

2116. Were you out in the Crimea?—I was.

2117. As a driver?—Yes.

2118. Were you first or second class?—Yes; first.

2119. General *Codrington.*] Were you enlisted in England?—In London; in the Waterloo Road.

2120. What were you before you enlisted?—I was a hammer-man.

2121. Had you anything to do with horses before you enlisted?—Yes.

2122. In what way?—Both in seeing after horses and helping to shoe them; or used to bleed a horse occasionally.

2123. General *Codrington.*] You enlisted as a driver, did you?—Yes.

2124. In what month?—April.

2125. April 1855?—Yes; April 1855.

2126. *Chairman.*] Were you discharged?—Yes; at the depôt at Horfield.

2127. Did you object to being discharged?—I did.

2128. Why did you object?—Yes; because I enlisted for five years to a certainty.

2129. Who told you that you were enlisted for five years to a certainty?—I was told at Westminster Hall when I was mentioning it.

2130. Did the magistrate tell you?—Yes; and the man who enlisted me.

2131. Did you ask the magistrate yourself?—I did, before I was sworn in.

2132. Do you mean to say you put it to him as you are answering now?—I put it to him, was I to stay five years or not.

2133. What did he say?—He says, "Yes;" but I was enlisted for 10 years, claiming my discharge in five if I thought proper, or two years longer if Her Majesty thought proper.

2134. That was not telling you it was for five years certain?—I understood so.

2135. How do you make out by what the magistrate told you that he stated that you were engaged for five years certain, when he only said you were enlisted for 10 years, and you might claim your discharge at the expiration of five?—I should not have enlisted if I had not thought it was meant to keep me for five years.

2136. Is that what the magistrate told you?—That is what he told me.

2137. The *Solicitor-General.*] That you could not be discharged before the end of five years?—Yes; I was not to be discharged till the end of five years.

2138. And you were not to have the option of leaving before five years?—No.

2139. Mr. *Baxter.*] Do you know the magistrate's name?—No.

2140. General *Codrington.*] Was your attestation like the others?—I do not know.

2141. Can you read?—No; I am no scholar.

2142. Did you sign it?—I put my cross to it.

2143. Did the magistrate read it to you?—Yes, the reading was for the lot of us.

2144. Did you hear what he read?—Yes.

2145. Do you recollect his reading to you these words, "Provided Her Majesty should so long require your services"?—Yes.

2146. Do you know what that means?—I heard it read.

2147. What did you think it meant?—I thought they meant to keep us the five years, as I enlisted for, because I left a very good situation to enlist.

2148. Did the magistrate read over these questions to you?—Yes, he read them.

2149. Did he read this, "Are you willing to be attested to serve in the Land Transport Corps for 10 years, provided Her Majesty should so long require your services." Supposing you were engaged by any person in London, and they were to tell you, "Provided I want your services so long, I will keep you for five years," do you not think that you could be discharged before the end of five years?—No; I should not think so.

2150. *Chairman.*] You say you objected to being discharged at Horfield?—Yes.

2151. Did

2151. Did you object to the certificate or the want of a parchment discharge? —I objected to the paper certificate.

2152. Did you ask for a parchment discharge?—No; I refused taking my discharge altogether till the end of the term of five years.

2153. The *Solicitor-General.*] That was the ground of your refusal, was it? —Yes.

2154. *Chairman.*] Have you suffered no inconvenience from not having a parchment discharge?—Well, I have.

2155. What?—I might have got two or three very good situations, I believe; at least I have been asked for it, and I could not show it.

2156. By whom?—By Mr. Ogleby, the candle factor, in Paradise-street.

2157. Colonel *Pennant.*] Did you show that paper?—Yes.

2158. Was the character upon it?—Not to my knowledge.

2159. Have you got it?—No, but I think I know where it is.

2160. Did you ask to have your character put upon it when you were discharged?—No.

2161. *Chairman.*] What did Mr. Ogleby say, when he refused you employment?—He told me if I could get a character he could give me work; I told him then I could get a character; I could get an eleven years' character, if it was of any use, from my old employer. He said, "Go, and fetch it." I went to Messrs. Leigh & Sons, builders in the Belvedere-road, for a character, and they wrote me one, and sealed it up; what there was in it I cannot say; but the clerk at Mr. Ogleby's read my character, and said if I was as good as my character represented in that letter, I should be the first man they would employ, and he asked my address, and I gave it to him; but they did not want anybody at present, but he would send for me the first man he ever employed; but I got a job I suppose before they wanted me, and I am now working at Morris' Foundry in Paradise-street.

2162. The *Solicitor-General.*] Was that all that passed with Mr. Ogleby?—Yes.

2163. Were you marched out of the yard at Horfield, when you objected to go?—I was marched out of the guard-house a prisoner to have my discharge.

2164. How came you to be in prison?—They told me I was to have my discharge, and I said I would not have it, not till the five years was up, and I asked Corporal Virgin if he would be so good as to write me a pass, and see if he could get it signed, and he did so; he wrote me out a pass, and he got it signed; and I was a few hours over my leave, and when I came back he made a prisoner of me, and stopped four days' pay from me, and discharged me.

2165. General *Codrington.*] How long were you absent?—A few hours; I ought to have been in at 12 at night, but I came in the next morning.

2166. How many days' pay were stopped?—Fourteen days.

2167. For your absence?—Yes; and I was discharged the same day.

2168. Colonel *Pennant.*] How long was your pass for?—Only for the night.

2169. Who was it signed by?—Captain Addey, I believe.

2170. General *Codrington.*] Had you ever been absent before that?—Yes.

2171. How long?—Three days and four nights.

2172. How long before?—About three or four days before that.

2173. Had you had your pay stopped for that?—Twenty-four days for that, and seven days' pack drill.

2174. Colonel *Pennant.*] Were you discharged as a first-class driver?—Yes.

2175. *Chairman.*] What month was that in?—The 5th of June, I think.

2176. It could not be the 5th of June, because you did not come home till August?—I was invalided home.

2177. General *Codrington.*] When did you land?—I think in March 1856; I think I was invalided to Portsmouth Hospital; I laid there six weeks, and then I was sent to my depôt alone.

2178. To Horfield?—Yes.

2179. Were you under stoppage at the time of your discharge?—No; at the time of my discharge I had more than a month's pay owing to me.

2180. Have you any claim against the Government?—Yes.

2181. What?—Ten shillings and twopence halfpenny for hospital stoppage at Scutari, and they charged me for rations at Scutari Hospital, and I enlisted for rations and clothing free, and they stopped that for rations there.

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2182. Were other men stopped, the same as you?—Some were and some were not.

2183. Those that have been stopped; have any of them got their stoppage-money?—I do not know.

2184. Have you applied for your money?—My master that I work for, I have got him to write as much as two or three times to Horfield, and he never received an answer.

2185. The *Solicitor-General.*] Did you apply for it at the time of your discharge?—I asked for it then.

2186. To whom did you make the application?—I really do not know the man's name.

2187. What was he?—One of the clerks of the orderly room. I asked Serjeant Campbell for it, and he said it would be sent after me.

2188. Did you ask any superior officer?—I do not think I did.

2189. Colonel *Pennant.*] Who paid the troops?—Serjeant Campbell.

2190. Who was the officer?—Captain Addey.

2191. Did you apply to him?—He paid me my month's pay himself.

2192. Did you represent to him this claim?—I do not think I did.

2193. *Chairman.*] You have been discharged a twelvemonth, have you not?—Yes.

2194. The *Solicitor-General.*] You say your master has written several times for this 10*s.* and odd, and that he has got no answer?—No.

2195. *Chairman.*] You have no other complaint to make, have you?—No; only I reckon I am now in the Government service.

2196. The *Solicitor-General.*] For the five years to come?—Yes.

2197. Whose employ are you in now?—Mr. Morris's; but I do not know how long I may be in his employ.

2198. *Chairman.*] Are you engaged by the day or by the week?—I am engaged as a weekly servant, but I do not know how long I may be kept.

2199. What are your wages now?—Eighteen shillings a week.

2200. General *Codrington.*] Should you like to be taken as a soldier now?—Yes; on the same terms as I went away before.

2201. You engaged on cavalry pay, did you not?—I enlisted as a first-class driver, with rations and clothing free; the first I did not get, as I paid for my own tea and coffee.

2202. Was not that for the breakfast mess?—Yes; it was 3*d.* a day.

2203. Is that part of your rations?—I believe it is.

2204. *Chairman.*] What was your clothing money?—The clothing and kit cost me 2*l.* 2*s.* 1½*d.*

2205. What clothes were they you paid 2*l.* for?—I think there were trousers and boots, and the remaining part of my kit.

2206. General *Codrington.*] Did you ever get them?—Yes.

2207. You were given a tunic, trousers, and cap, a greatcoat, and a pair of shoes?—Yes.

2208. Who gave you those?—I got them at Horfield barracks before I went out. I expected everything was to be free, but they stopped that.

2209. *Chairman.*] Have you applied for it?—I got 5*s.* 6*d.* compensation money.

2210. Colonel *Pennant.*] Did you get any shirts?—Yes.

2211. Did you pay for those besides?—I do not know what I paid for; I paid 2*l.* 2*s.* 1½*d.*

2212. General *Codrington.*] Did you not get a knapsack?—Yes.

2213. And shirts?—Yes.

2214. And a pair of shoes?—Yes.

2215. And drawers?—Yes.

2216. And stockings?—Yes.

2217. Did you think you were to pay for those?—I thought we had nothing to pay.

2218. Do you not know that a soldier usually pays for his kit?—I thought we had nothing to pay, because they said we should have rations and clothing free.

2219. *Chairman.*] You received no bounty at all, did you?—No.

2220. Did you not receive 1*l.* when you were discharged?—I did.

2221. When did you receive that; who paid you that?—I received that at the railway station at Bristol.

2222. Where you were a prisoner?—Yes; we were all prisoners; we all marched down to the station. *J. Huchins.*

2223. How many were there of you?—Seventy or eighty that day. 29 June 1857.

2224. You did not receive the 1 *l.* until you arrived at the station?—No; not until we were getting into the carriage; then they handed us our money.

2225. Did any of you refuse it when you were in the carriages?—I do not know.

2226. General *Codrington.*] But you say you were a prisoner in the carriage?—Yes.

2227. Colonel *Pennant.*] You had been absent without leave, had you?—Yes. The reason I did not have my discharge was, I thought being absent without leave would be a reason for their keeping me.

2228. You mean you misbehaved in order to be kept?—Yes.

Captain *Vokes*, re-called; and Examined.

2229. The *Solicitor-General.*] THERE has been a statement made in your absence that I think you ought to have an opportunity of explaining. It has been stated here by Captain Williams that he heard some of the men state, or statements by some of the men, that you had represented to them while enlisting them in Ireland, that they were to have a free kit; is that so?—No; certainly not. Captain *Vokes.*

2230. Then that is untrue?—Perfectly so. I had in every barrack-yard, when I went to Ireland, the placards posted up before I addressed the men upon parade, and you will see by the placards what it was.

2231. You never made any personal representation?—No, not anything of the kind.

2232. *Chairman.*] Did you not tell them that they would have clothing and rations free?—Yes, and I explained to them besides that they were to pay for their necessaries; I took particular pains to explain that.

2233. General *Codrington.*] You are now speaking of Ireland?—Yes.

2234. *Chairman.*] Did you raise any of the first levy?—None at all.

2235. The *Solicitor-General.*] Were the placards that you name, when you were in Ireland, put in the last day you were examined?—Yes.

2236. I should state to you that Captain Williams did not represent that he had heard you state it. He only said he heard the men represent that?—So I understood.

2237. But you say there is no foundation for it?—Not the slightest.

John Huchins, re-called; and Examined.

2238. General *Codrington.*] YOU were enlisted in January, you say?—Yes. *J. Huchins.*

2239. Did you see this paper?—I have seen a paper like it.

2240. Did any body read it to you?—Yes, I heard it read.

2241. Did you hear this part read, "Each recruit will further be provided with a limited supply of necessaries on joining, the cost of which will be deducted by small instalments from his daily pay, when the same shall become his property"?—I never heard it read.

2242. But you see it in the placard now?—Yes.

2243. Do you know what paper it is?—No.

James Thomas Sullivan, called in; and Examined.

2244. *Chairman.*] WERE you in the Land Transport Corps?—I was. *J. T. Sullivan.*

2245. General *Codrington.*] When were you enlisted?—On the 16th of February 1855.

2246. Where was it?—In the city of Westminster.

2247. As what?—As a first and second class driver.

2248. What pay did you get?—Two shillings a day, with rations free.

2249. What were you before you enlisted?—I had had to do with the superintendence of horses in the carriage department, which was a qualification held out in the placard which has just been referred to, and I saw the placard and read it.

2250. You were enlisted in London, I think you said?—Yes.

2251. Do you complain of not receiving the bounty free?—I do, and I have

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an extract from a morning paper which states this. "It has been fairly observed," says the reporter for the Morning Advertiser——

2252. Before you read that, do you complain of not receiving your necessaries free?—Yes.

2253. Did you ever see this paper which I have in my hand?—Yes, I did.

2254. You can read and write, can you?—Yes.

2255. Did you see this sentence which I will now read: "Each recruit will further be provided with a limited supply of necessaries on joining, the cost of which will be deducted from his daily pay, when the same shall become his property"?—Just so.

2256. You remember that, do you?—Yes; there is no doubt about that being correct. Captain Mayne was to answer inquiries by intended candidates, and to explain any portion of the paper which the parties themselves might consider necessary, without considering any other portion but that portion which relates to the clothing or necessaries.

2257. I wish you to keep to the necessaries?—He was asked what would be the extra necessaries; he was asked what was meant by the necessaries that were to be furnished free of expense by the Government.

2258. Who was he asked that by?—By myself.

2259. You meant what necessaries would be required by the Government for you to pay?—Yes; and I asked him if he would detain them, and he said in reply, there would be a small stoppage for "brushes, towels, and like articles, which were absolutely necessary for a man's personal use." The next question was, "What would be the probable expense of those articles"? The answer was, from 15 *s.* to 18 *s.* at the outside; and so it remained until we had been three weeks at Horfield, and the first intimation we got was the kit, 17 *s.* 6 *d.* empty.

2260. Colonel *Pennant.*] What do you mean by the "kit empty"?—The out case, or the knapsack; but I believe I should explain that there was after this a Board of officers, and they estimated the expense of the kit at 14*s.* 6*d.* instead of 17*s.* 6*d.*

2261. General *Codrington.*] Are you speaking of this from your own knowledge?—Yes.

2262. Colonel *Pennant.*] Who charged you the 17*s.* 6*d.*?—It came out in orders; there was a schedule of charges in the orders, and those orders were read to the men, and they were adopted accordingly.

2263. General *Codrington.*] What do you complain of with regard to the necessaries?—I complain that we had no notion at all of having a kit to pay for.

2264. You complain of being obliged to pay at all?—Yes, for the kit.

2265. But you had the information that you would be obliged to pay for a knapsack. Do you not know that a soldier generally pays for his knapsack?—Not out of the bounty.

2266. Do you not know that he pays usually for his knapsack out of the money he receives?—Undoubtedly, I have heard it over and over again.

2267. Why did you suppose that this was an exception to the old Act of Parliament?—Because there was no bounty. We were supposed in the first instance to be a kind of police.

2268. But, nevertheless, it is written in the printed paper which I read to you just now, that there was to be a stoppage for necessaries?—Just so; but in the words I have mentioned, "necessaries for a man's personal cleanliness."

2269. Then you do not complain of paying for necessaries, only you did not know that a knapsack was called a necessary?—No, it was never explained that it was so.

2270. Colonel *Pennant.*] You conceived that you were not on the same footing as soldiers?—Certainly not. Well then, as regards clothing, I received no trousers in the year 1855.

2271. General *Codrington.*] What did you receive at the time of your enlistment?—I received no trousers. I received a tunic and a foraging cap, with a neck-tie, which was included.

2272. The tunic was not included in the necessaries, was it?—No; but I had to provide myself with a pair of trousers.

2273. Did you receive no trousers at all?—No.

2274. Where you in the Crimea?—No; I was at home.

2275. You

2275. You say you never received the trousers?—No.

2276. What did you wear?—One day, when Lieutenant-Colonel Napier came upon a visit there, I had to buy a pair myself.

2277. Did you ever claim repayment for that?—I did.

2278. Colonel *Pennant.*] You say you did claim to be repaid for the trousers?—I did.

2279. *Chairman.*] Who did you claim to be repaid from?—Latterly, by Captain Vokes.

2280. What was his answer?—I refused to receive it till Captain Vokes had made an entry on the face of it that I was entitled to claim for the trousers which I did not have as part of the uniform said to be supplied free in the year 1855.

2281. Where is that paper?—Mr. Reeves, who is the Paymaster-general, has it in his possession: this is a copy of a letter written by me, James Thomas Sullivan, bearing date the 17 June 1857, to Mr. Reeves, Paymaster-general, Land Transport Corps, Horfield Barracks, Bristol; I do not know whether it is important to add this, but I put at the bottom, "If not there, please to forward it to him in the Military Train." "(Copy.) No. 4, Exeter-place, Sloane-street, S.W., London, 17 June 1857. Sir,—You will please to recollect that, at your wish, I gave you my protection paper for the purpose of your investigation of my claims to compensation for a pair of trousers for the year 1855, and also to 1 *l.* 5 *s.* pay due to me while at Abydos, in the Land Transport Corps. Now, as months have elapsed since then, and I have heard nothing from you on the subject, nor received back my protection paper, I think you will not consider me hasty in desiring that you will be so kind as to send it me at your earliest possible convenience. You may the more readily recollect the circumstance, from directing your attention to the enclosed card, which was wrapped up in it by the serjeant to whom you gave it to carry down to Bristol, on Tower-hill. Trusting that I shall soon hear from you, I am, sir, your obedient servant, *James T. Sullivan*, No. 61, (Regimental Number), First Class Driver, D Troop, 2nd Battalion, Land Transport Corps." And in that letter I enclosed this card:—"T. Sullivan, (from Winsor & Newton's), Practical Artists' Colourman, No. 4, Exeter-place, Exeter-street, Sloane-street. Pictures and paintings cleaned, lined and restored. Orders, per post, punctually attended to."

2282. What is the date of that?—June 17, 1857.

2283. To that you say you have received no answer?—No; I received no answer to that.

2284. General *Codrington.*] How long were you doing duty in the Crimea itself?—With intervals, about 20 months.

2285. When did you go out?—On the 18th of April 1855.

2286. And when come home?—I came home in August.

2287. Did you say you were at Abydos?—Yes.

2288. Were you on duty or in hospital then?—In hospital.

2289. How long were you there?—About two months.

2290. *Chairman.*] Is that the first time you made any claim?—No; at the time of my discharge I made a claim; after being discharged in August last I made a claim, and my claim was registered on the protection paper.

2291. Colonel *Pennant.*] Was your address also taken down at the time?—Yes.

2292. Have you up to the present time referred to the authorities at Horfield with reference to claims?—Yes.

2293. From the period of time when the notice appeared to send in the particulars of claims to Horfield Barracks, have you sent in any claim for compensation for clothing?—Yes; I complied with the requisitions, and sent in two letters to Horfield, to neither of which have I received any answer.

2294. Then, in fact, you mean to say, you have written these letters, and have received no answer?—Yes; but I took the precaution not to give up the protection paper; and I said to Captain Reeves, as regarded its value, it was no more a protection paper than any other piece of paper, but I will take care of it, as it is a guarantee of my service.

2295. *Chairman.*] Were you discharged at Horfield?—No; on board the Britannia hulk, at Portsmouth.

2296. Did you see Captain Vokes there?—No. Captain Vokes, two days before I received the paper, was expected to come down there, and I asked whether

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we might join the raw corps at 1 *s.* 3 *d.* a day, and we were told there was an end to our former engagement, and we were discharged.

2297. What is your occupation now?—I have not been able to get into any public employment since.

2298. Have you got into any private employment since?—No.

2299. Colonel *Pennant.*] I think I saw you with a small account book in your hand; have you got it?—Yes.

2300. Will you let me look at it?—Yes [*handing it in*]; it is about the stoppage for spurs at a guinea a pair.

2301. The *Solicitor-General.*] What does this book mean; is it an account of your claims?—Yes, but they cannot be made out very clearly from that.

2302. I see here at the end of the month you sign a statement that there is nothing due to you?—It is not so; that was a mistake. You will find my signature in two instances where the accounts are signed on a pay sheet.

2303. I see in February 1856, James Sullivan signed that there was nothing due to him?—That was a mistake.

2304. It appears from the account that 1 *l.* 5 *s.* was due from you, does it not?—Yes.

2305. General *Codrington.*] Were you under stoppage at the time?—I had an advance of 30 days' pay at Horfield.

2306. The *Solicitor-General.*] The officer signs down to August 1856?—Yes; but there are intermediate months not filled up.

2307. I thought you said you did not come home till August?—No; I was endeavouring to explain, the officer that we had then in command came from another regiment; we had such a paucity of officers, that, in directing me to do duty there, he ordered me to do this, which I did because he told me.

2308. If the claim arose before the time when you signed this here, why should you sign that nothing was due to you?—This claim for 1 *l.* 9 *s.* was while I was at Abydos. It was from the the 10th to the 17th of January 1856.

2309. Why should you sign in February that nothing was due to you?—I only signed for the difference between that, because when I came back from the Crimea they paid me off so many days in the months that I actually did do duty with my own battalion.

2310. You say that the claim which you now prefer existed in January 1856, as I understand you?—Yes.

2311. And yet I find you signing this book, by which you state, that, in February 1856, there is nothing due to you?—My name is not in 1856, I apprehend.

2312. Yes, it is here in the month of January 1856. It is "James Sullivan." You are a man of some education?—The month of January is left open, because I am neither in debt or in credit for that month.

2313. But in February you signed that nothing is due to you; on the contrary, you then owe 1 *l.* 5 *s.*?—No; that was a mistake, it should have been they owed me; I was in credit to that amount.

2314. It is put here, "Amount due from Sullivan"?—It is a mistake of theirs.

2315. Then I find all the following months are signed by your officer?—Yes.

2316. This book was in your custody during the whole of that time?—Yes, whilst I was away.

2317. Was it in your custody in the months of February, March, April, May, June, July, and August?—No, it was in the orderly room.

2318. Had you access to it?—No.

2319. General *Codrington.*] Did you ask for it?—I did, and got it ultimately.

2320. But you did not ask for it previously?—No, because I was away at Abydos.

2321. The *Solicitor-General.*] How comes it that these entries are made in February and afterwards?—That is quite right. I was indebted 1 *l.* 5 *s.* for necessaries, such as shirts, towels, and boots. I was in debt then, because it was after paying 1 *s.* a day stoppage; but it is in 1857 that my claim arises. I was in debt for stoppages for the things that were supplied, namely, shirts, socks, and ammunition boots.

2322. I thought you said that the claim you are now preferring existed as far back as January 1856?—No, it was not January 1856.

2323. General *Codrington.*] When were you discharged?—In August 1856.

2324. And

2324. And yet there is a claim for January 1857; how could that be?—It could not be.

2325. The *Solicitor-General.*] Then you were right when you said the claim existed in January 1856?—Yes.

2326. If it existed in January 1856, how was it you came to sign that so far from there being anything due to you in February 1856, you owed 1 *l.* 5 *s.*?—I did not do that.

2327. Is that your signature (*handing a book to the Witness*)?—Yes; I never paid it.

2328. You cannot give any explanation of that?—No.

2329. Colonel *Pennant.*] Did you object to having a paper certificate instead of a parchment discharge?—I did.

2330. Why did you wish to have a parchment discharge instead of a paper certificate?—Because I clearly understood that my first impression was wrong, and that I was a soldier.

2331. *Chairman.*] Who did you make the objection to?—After the inquiry had been made as to those men who liked to join the new corps.

2332. Who did you make the objection to?—To the serjeant-major of the troop.

2333. The serjeant-major of the depôt at Horfield?—Yes.

2334. General *Codrington.*] Was that before you were discharged?—Yes.

2335. The *Solicitor-General.*] When you were discharged, was that book given to you?—Yes.

2336. Is it in the same state now that it was then?—Yes.

2337. Did you remonstrate as to any entry there was in it?—No; but it seemed that something was owing to me. I had been six or seven times to the orderly-room, and it was agreed that they owed me 1 *l.* 5 *s.*

2338. *Chairman.*] Did you make the claim after you had the certificate?—Yes.

2339. Colonel *Pennant.*] Can you remember the name of the place at which you gave your address in your communication with the authorities?—Yes; I produced a copy of the card with the letter that Mr. Reeves took.

2340. The *Solicitor-General.*] Who signed the entry upon your discharge?—It was given to a gentleman who signed his name, Cornet Smith; he was the witness who witnessed that paper. The papers were sent down apparently in large numbers.

2341. Who signed any admission that there was 1 *l.* 5 *s.* due to you?—I apprehend it was Captain Vokes. That was the first time I saw him.

2342. You did not write for the certificate until June the 17th of the present year?—No; because Mr. Reeves said his business would be so deranged.

2343. Had you heard of a Committee?—I had known that Mr. Duncombe had moved the House.

2344. You had seen that at the time you wrote the letter, had you?—Not at that time; but in the old Parliament I saw that Mr. Duncombe had made a motion, and I wrote since, because it was important for me to obtain a situation.

2345. Where is Captain Reeves now?—I do not know. It would be necessary to have it, to show that I had been for three years in the service.

Adjutant-General Sir *George Augustus Wetherall*, called in; and Examined.

2346. *Chairman.*] ARE you the Adjutant-general?—Yes.

2347. Are you cognisant of the circumstances under which the Land Transport Corps were discharged at Portsmouth, or Devonport, or Horfield?—I am cognisant of the orders given for the purpose, but how they were executed I cannot say.

2348. By whom were the orders given?—By Lord Hardinge, through me to Captain Vokes, to discharge them.

2349. Who had Lord Hardinge received those orders from?—From the War Minister.

2350. The Duke of Newcastle?—No; Lord Panmure.

2351. What instructions did you receive from Lord Hardinge?—I think, to the best of my recollection, about the end of May 1856, Lord Hardinge received an intimation from the War Minister that the Land Transport Corps were

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returning to England from the Crimea, and it was of great importance that they should be discharged as fast as they arrived.

2352. You are referring now to a letter written by the order of Lord Panmure to the Horse Guards, are you not?—Yes.

2353. He desired the Horse Guards to get quit of the Land Transport Corps as quickly as possible?—Yes.

2354. Those are the instructions that you are referring to, are they?—Yes.

2355. What proceedings did you take on the authority of that letter?—I received Lord Hardinge's orders to know how this should be accomplished, and it was decided that Captain Vokes, who had been chiefly instrumental in raising the corps under the immediate order of the War Department, was the fittest officer to proceed to Portsmouth to discharge them as they arrived, and he got his orders accordingly; he was desired in that, as in all similar cases, to apply to the War Department for the discharge documents of the men.

2356. What do you mean by discharge documents?—Whether parchment or paper, or anything else, the forms, in fact; and I suppose he did apply accordingly, and got discharges; the men were all discharged as they arrived, and I heard no complaint of any description during the progress of those discharges from any quarter whatever, neither, I believe, did the Commander-in-Chief. I think the first order was received at the end of May, but it was July before that discharge commenced; I am not quite sure as to the date; they came in then by ship loads to the amount of 7,000 or 8,000 men; and Lord Hardinge considered, as the orders were very pressing to discharge this corps, as they were a very expensive corps, that it was better to disband them, as troops had always been disbanded in previous wars. There was no necessity for assembling regimental boards, because we could not have executed that under probably four months, even if we had discharged 50 or 60 men a day; and the men having no claims to pensions, no record was necessary. No records are necessary in the discharge of soldiers, unless they have a claim to pensions; then all documents regarding them are sent to Chelsea, and the parties there decide what such pensions shall be; it was particularly requested by Lord Hardinge that all the non-commissioned officers and soldiers, who had volunteered from other regiments to this corps, should be retained, if they wished it, or be permitted to return to the regiment from which they came; the option was granted, and, I might add, the instructions which were given to Captain Vokes were, that no man was to be discharged except at his own request, and it was so expressed in the letter of the Secretary of State.

2357. Then, if the men were not to be discharged, except at their own request, how could you call that a thorough disbandment of the corps?—They all did wish it.

2358. How is that a disbandment of the corps?—It was considered so.

2359. By whom?—By Lord Hardinge.

2360. In your opinion, is it a disbandment, when the men are to be kept who do not wish to be discharged?—Speaking generally, I should say it is a disbandment of the corps decidedly; for example, in former times, up to a very late period, when a regiment was ordered to be disbanded, as it was after the Battle of Waterloo (for example, "disbanding" was the term used), and the commanding officers of the regiments were ordered to keep such men as they thought would be fit soldiers in their regiment when they discharged all the rest.

2361. Colonel *Pennant*.] At that time the system of Boards of officers was not in existence, was it?—No.

2362. It was in 1828 or 1829 that it began?—No; it was in 1830, I think.

2363. *Chairman*.] There was no such regulation in existence then at the time of the disbanding, but after Waterloo it came into existence?—Yes, every soldier who served was recorded and sent to Chelsea.

2364. Were the rules and regulations of the service the same as the others?—Except the Articles of War, the terms of discharge were the same.

2365. Were the rules and regulations embodied at that time in the Articles of War as confirmed by an Act of Parliament, namely, the Mutiny Act?—I do not know anything about them; I do not know whether the regulations were embodied or not.

2366. Are they not confirmed by the annual Mutiny Act?—There were no such rules embodied in the Mutiny Act at that time.

2367. But

2367. But now they are?—Certainly.

2368. In the Acts of 1853 and 1856 they are embodied, are they not?—Yes, they are.

2369. But that was not the case in 1819, when you say there was a precedent for this discharge of the men, which was a partial discharge?—No.

2370. There is, in fact, no precedent for the discharge of the men, as it took place at Portsmouth and Horfield?—Not since that time; as I mentioned before, it is customary to discharge all men with a protecting certificate who have no claim to pensions.

2371. How could Lord Hardinge dispense with the Mutiny Act, which alters the whole circumstances of the case?—He thought there was no claim to pension, and as the order was peremptory to get rid of the corps as quickly as possible, it would be a mere waste of time.

2372. The *Solicitor-General.*] Will you be good enough to read that order (*a book is handed to the Witness*)?—"In order to secure to the deserving soldier when discharged a provision proportioned to the length and nature of his services, and to enable our Commissioners of Chelsea Hospital to carry into full effect our rules and regulations for the pensioning of soldiers, we do hereby order, that when a soldier shall be discharged, whether for unfitness or for any other cause, his services, conduct, character, and the cause of the discharge shall be ascertained before a Regimental Board, to be held for the purpose of verifying and recording all these necessary particulars in the discharge, on which document the decision of our Commissioners of Chelsea Hospital on the soldier's claim to pension will be made." The preamble states why Boards are to be assembled, viz., to enable the Commissioners of Chelsea Hospital to regulate pension; there was no instance of claim to pension amongst the men discharged from Land Transport Corps; they had not served 18 months, and many of them not even three months, and therefore there was no claim to pension. "The Board shall be composed in all cases of three officers; the second in command shall be the president, and the two next senior officers on the spot shall be members; and all military persons who may be summoned by the president thereof are directed to attend, and give information to the Board on the subject of their inquiry. Such Board is not competent to award any punishment or forfeiture of service, their duty being restricted to the faithful and impartial record of the soldier's services and conduct at the close of his military career; and they will be governed in this their duty by a reference to our rules, orders, and regulations for the pensioning of soldiers, which regulations shall be produced before the Board whenever it is assembled. When the Board is assembled, the president and members thereof shall severally make the following declaration in the presence of the soldier whose case is under inquiry."

2373. Colonel *Pennant.*] Although the main object of the appointment of Boards for the purpose of discharging the soldiers was, that there might be a true and faithful record of the services of the soldier with a view to a pension, yet is it not also the case that in the discharge that is usually given, the length of time during which the soldier has served is entered?—Yes.

2374. And then, in the event of any of these men re-enlisting, their services would be on record, and it would be of use to them in getting extra pay?—There is no such condition, and these men were enlisted for a special service in the Crimea.

2375. Would they not be considered as being in the service of her Majesty; and then ought they not to have this certificate with a view to extra pay?—I do not remember any regulation providing for it.

2376. But do you consider that, even in that case, it would not be of any use to them?—Such is my present impression.

2377. The *Solicitor-General.*] Suppose the case to be that a man produced his paper certificate, would there be any difficulty in finding out, by such a reference as the paper certificate would give, what the length of the man's services had been?—None whatever.

2378. General *Codrington.*] In the present discharges of the soldiers, even for short periods of service, is there not a Regimental Board, although no pension may accrue to the soldier?—Yes; for all men that have been regularly enlisted and discharged from their regiment, the pensions are very uncertain.

2379. In case a man had been wounded or disabled by his service in the Crimea, being a Land Transport Corps man, he would then, as a matter of course, have

regular Board sit upon his discharge, and the usual discharge?—
ily; I should say so.

Do you suppose that exceptions were made in consequence of there being
on accruing to these men, or that it was from the difference of service?
. I was going to state that this corps was enlisted, or rather embodied,
very special circumstances, under the orders of the Secretary of State for
, in communication with Colonel M'Murdo, who was its commandant, and
t for several months the Commander-in-Chief had no cognisance of it. It was
nsidered a separate corps. I forget when, but I think in July or August 1855,
communication was received by the Commander-in-Chief, stating that the Ambulance Corps, the Military Works Corps, the Land Transport Corps, and, I think, a fourth corps, were not to be considered under the orders of the Commander-in-Chief; and therefore, for a long time, they were considered an anomaly. The Commander-in-Chief had no communication from the Crimea, nor from Colonel M'Murdo, the commandant, regarding the corps at all, and, in fact, he knew nothing at all about them.

2381. Was this during the whole of the time?—During a greater part of the time, and therefore I rather imagine it was owing to this circumstance that the Commander-in-Chief at the time ignored them, but I do not know much about them.

2382. Colonel *Pennant.*] Was it a doubtful point, at the time of their being disbanded, whether they were under the orders of the Commander-in-Chief?—Yes.

2383. General *Codrington.*] About what time was it they were placed under the order of the Commander-in-Chief?—They were placed under the orders of the Field Marshal Commanding-in-Chief, by a letter of the 28th March, 1855; but by a subsequent memorandum, dated in August, the Commander-in-Chief was given to understand that they were not under his orders; they were not raised in the usual manner of recruiting, but by officers specially appointed.

2384. Mr. *Roebuck.*] But before they were disbanded were they not, to all intents and purposes, soldiers, and amenable to military law?—Precisely.

2385. And therefore when they were discharged, they were discharged as soldiers?—They were discharged as men of the Land Transport Corps.

2386. You have already said that they were soldiers to all intents and purposes, and subject to military law, were they not then entitled to be discharged as soldiers?—Certainly, you cannot call them by any other name.

2387. Are not these words in the articles of war generally: "We do hereby order that when a soldier shall be discharged, whether for unfitness or for any other cause, his services, conduct, character, and the cause of discharge shall be ascertained before a regimental Board." Now then, by what authority was it that they were discharged without the preliminaries that belong to the general discharge of a soldier?—It is a question very difficult to answer. I suppose you must call them soldiers because they were subject to military law, but they were not soldiers duly enlisted as such.

2388. Is that the reason you give for these preliminaries not being complied with?—That would have some weight, in addition to the other circumstances.

2389. *Chairman.*] Were they not attested before a magistrate in the usual form that every soldier is attested?—They were.

2390. Are you aware of this passage in Colonel M'Murdo's letter, which is an answer to a memorial presented by the men, written by the authority of the Minister for War, wherein these men claim to be treated much in the same way as the foreign legions were; I will read the passage written by the order of the Minister for War; they claimed to be treated the same as the Turkish Contingent and the German Legion, and other regiments. Colonel M'Murdo writes, by the order of the Minister at War: "But the Land Transport Corps is a part of Her Majesty's regular forces, and as such, have to be dealt with by the same rules and regulations as are applied to other soldiers of Her army"?—I am not aware of that passage, I never saw that letter.

2391. That, of course, gives the men to understand that they are a regular portion of the army, to all intents and purposes, and as such, have a right to expect to be dealt with?—Certainly.

2392. In any portion of Her Majesty's service, can you produce any instance whatever of men being discharged, whether in bulk or individually, without regimental

regimental Boards having sat upon their clai
to them through the Adjutant-general's of
charge, by a protecting certificate, such men as
example, men who have deserted and whom it has no
retain in the service; men who, after having enlisted and
corps, had been found ineligible; such men as those are di
tecting certificates.

2393. Did not Colonel M'Murdo remonstrate with the Horse Guar
these men being discharged in this manner; without a Board having sat upo
their claim, and without their having parchment discharges?—I never heard
of it.

2394. Or can you account for the circumstance why some of the men, after they landed from the Crimea, were sent to Chatham; why did those men receive parchment discharges and have Boards sit upon them, though they belonged to what you conceive to be an irregular corps?—I am not aware that that was the case.

2395. I can inform you that it was the case?—But the complainants were not discharged from Chatham.

2396. General *Codrington.*] Some were discharged from Chatham?—Those were men who were sent home invalided either from wounds or from some other cause, and they were men who had a claim.

2397. Allow me to read this to you; it is a question put by General Codrington: "From whom did you get your authority?—I went to the quarters at the Adjutant-general's office connected with the discharge. Captain Sayer was sent by me up to the Adjutant-general's room to ask permission to give the men parchment discharges." Then the next question that is material, there having been a little interruption, is Question 1354, which is put by Colonel Pennant: "When Captain Sayer had seen the Adjutant-general, what was the answer about the discharging the men?—That I must proceed as previously ordered with the protecting certificates."—To the best of my recollection, I never heard anything about parchment certificates until several months after the men had been discharged. A complaint was brought to the Commander-in-Chief, I think by Mr. Roebuck; that was the first we had heard about parchment certificates; and then Colonel M'Murdo did apply for permission to give the parchment certificates, and he was authorised to do so, and to the best of my recollection he did issue, out of the 8,000, a number amounting to about 2,000; but there was no complaint from the majority of the men; the complaints were from those who enlisted as artificers.

2398. Mr. *Roebuck.*] You just now stated, that when a man deserted, he was discharged without any Board sitting upon his claims?—Yes.

2399. Now, I again ask you, by what authority is that done, because I will read to you the law upon the subject: "We do hereby order, that when a soldier shall be discharged, whether for unfitness or for any other cause, his services, conduct, character, and the cause of the discharge shall be ascertained before a regimental Board, to be held for the purpose of recording all these necessary particulars"?—He gets only a protecting certificate, because he has no claim to a pension; all claim of that kind he has forfeited by desertion.

2400. In the direct face of the law, do you consider that you are entitled to discharge him in this manner?—Decidedly so; it has been the practice from time immemorial.

2401. *Chairman.*] You said that you did not consider that these men were part of Her Majesty's regular forces, because they did not carry arms and ammunition?—I said they were not duly enlisted as soldiers; they were enlisted as drivers, and smiths, and masons under specific terms.

2402. Have you ever seen any of their attestation papers?—I do not know that I ever have.

2403. You say that they were not duly enlisted as soldiers, because they were enlisted as blacksmiths or artisans, or mechanics; was that on the attestation paper?—Whether it was on the attestation paper or not I do not know.

2404. Can you produce any one instance where it has been the case that a soldier has been discharged in this way?—The War Department writes to the officer commanding at Horfield, to raise 2,000 or 3,000 men as third-class drivers, upon the terms of having a particular rate of pay; and I do not think, if I enlist a man as a third-class driver, that I enlist him as a soldier.

2405. But perhaps you are not aware that the men of the Land Transport

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Corps did carry arms and ammunition, and were sent to drill as all other soldiers are?—I have already said that there was no communication between the Commandant of the Land Transport Corps, nor with the general officer commanding in the Crimea and the Horse Guards upon the subject of the Land Transport Corps, and we did not know whether they bore arms or wore a red coat.

2406. But before they were discharged were they not entitled to be considered as part of Her Majesty's land forces?—I suppose they were.

2407. Mr. *Roebuck.*] You stated just now that, if you enlisted a man as a third-class driver, you did not consider him a soldier; now, when you enlist a man as a third-class driver does he not become subject to all the obligations of a soldier?—Yes.

2408. Then ought he not to have all the same privileges when he is discharged?—Yes.

2409. Then do not you think that your first proposition is incorrect, that he ought not to be considered as a soldier?—I can only say that they were not so considered.

2410. General *Codrington.*] I understood you to say that, up to a certain time, namely, about the time of the discharge of these men, that the office of the Commander-in-Chief had nothing to do with the corps?—Yes.

2411. Throughout the whole of the time they were in the Crimea they were not generally under the orders of the Commander-in-Chief in England?—Certainly not.

2412. But it was at the time of their discharge, when they were coming home, that they were placed, for the purpose of their discharge, under the Commander-in-Chief?—It was some time previous to that, though it was not until the Commander-in-Chief had complained that there had been a good deal of irregularity, owing to the mode of enlisting the men; I think it was in August 1855 that the Commander-in-Chief complained.

2413. Colonel *Pennant.*] Had the Commander-in-Chief nothing to do with the appointment of the officers?—I am not sure; I had nothing to do with it.

2414. Had the Commander-in-Chief anything to do with the regulations which were drawn up and approved of by the Minister for War, the Duke of Newcastle, for the guidance of the men of the Land Transport Corps?—Nothing at all.

2415. General *Codrington.*] Did the Commander-in-Chief in the Crimea correspond with the office of the Commander-in-Chief here upon the discipline of the corps, as he would have done with regard to the army in general?—I heard nothing of it.

2416. The *Solicitor-General.*] You were going to make some statement as to some letter to the Commander-in-Chief?—In August 1855, the Commander-in-Chief was told that the Ambulance Corps, the Land Transport Corps, the Medical Staff Corps, and the Army Works Corps, were not under the orders of the General Commanding-in-Chief. In August the establishment of third-class drivers was ordered to be increased by a direct letter from the War Minister to the officer commanding at Horfield; this irregular system having caused so much inconvenience, expense, and embarrassment, that it was deemed necessary to bring it to the notice of the Secretary of State, and the Adjutant-general was informed that it was expedient to discontinue the practice complained of, and to raise men in the ordinary mode of recruiting the army. I will explain what the irregularity was: the recruiting department of the army was ordered to render every assistance to Colonel M'Murdo in raising that corps by causing the men to be medically inspected, to see if they were fit. They were not to be attested in London, where the majority of them were raised, but were sent to Horfield for the approval of the senior officer of the corps there. That was the expense complained of, because many of them were then rejected after having been sent down to Horfield, and that was the expense and embarrassment complained of by the Commander-in-Chief.

2417. How long after the disbanding of the corps was it that you first heard of any dissatisfaction being expressed by the men with reference to not having parchment discharges?—It was some months, perhaps.

2418. Did you do anything upon hearing that such dissatisfaction was expressed?—I had some interviews with the complainants, but I could not ascertain from them that they had any complaint, except that they had a paper discharge instead of a parchment discharge, and the parchment discharge was ordered to be provided

provided immediately for them, and to be given to all such as required them; and Colonel M'Murdo reported to me that he had furnished all those who required them with parchment discharges.

2419. Mr. *Roebuck.*] Did he not also complain at that time that their paper discharges were discharges of such a nature as not to enable them to enter into other service?—Yes.

2420. So that there was this in addition to the want of the parchment discharges?—Yes; there was, thirdly, the inability to procure employment, because they had not parchment discharges.

2421. Did they not also say, that they could not be employed at Woolwich in consequence of some difficulty about the discharges?—They did, but that was found to be untrue. Reference was made to Woolwich on the subject. I am now speaking particularly of the artificers.

2422. The *Solicitor-General.*] I wish to know whether you had any complaints from persons who were not artificers, that they had not proper discharges?—I think not.

2423. Who did you hear the fact from, that complaints had been made?—A deputation from themselves, or by a communication from the Lord Mayor to H. R. H. the General Commanding-in-Chief.

2424. Now you said that directions were given to Colonel M'Murdo to furnish parchment certificates or discharges?—Yes.

2425. Was he to furnish them to artificers, or the ordinary class of men?—Yes, to everybody belonging to the Land Transport Corps who wished for them, and asked for them. They were offered to them, and they declined to receive them, because they were not dated on the day at which they were delivered to them, but it being some months after they had been discharged; and that objection was made, I suppose, to enable them to claim their pay to that date.

2426. They wished them to be dated the very day they received them?—Yes.

2427. General *Codrington.*] In order to enable them to claim their pay up to that date?—Yes.

2428. Lord *A. V. Tempest.*] After the parchment discharges were ordered to be given, were there any further Boards sat?—No.

2429. One witness said that as many as 300 claims were sat upon?—Those were claims for pay that I had nothing to do with.

2430. Colonel *Pennant.*] I think you said just now that the men who came from the line had the option, if they wished, to go back to their regimental corps with the same rank?—Yes.

2431. Did that apply to the officers that were brought into the corps as officers, having been non-commissioned officers in regiments of the line?—Yes; there was no exception made to the class of men. Several non-commissioned officers of the Artillery were made officers in the Land Transport Corps.

2432. *Chairman.*] Are you aware of the instructions that were prepared by Colonel M'Murdo, and submitted to the Duke of Newcastle, which instructions were sent to the officers for the raising of the Land Transport Corps?—I have seen the book, but I paid no attention to it.

2433. That was approved of by the Duke of Newcastle as the Minister for War, was it not?—I believe so.

2434. Is not this one of the articles that was approved of by the Duke of Newcastle: "Soldiers, having been enlisted and sworn, shall not be dismissed our service without a discharge or certificate, granted according to the General order on that head, which shall be in force at the time of granting the discharge. No soldier shall be discharged, whether for unfitness or for any other cause, unless his services, conduct, character, and the cause of his discharge be ascertained before a regimental Board as hereinafter provided"?—I know nothing of that book. It is not published by any sort of authority. It is a book published and composed by Colonel M'Murdo for the information of his own officers.

2435. But it was approved of by the Secretary for War, and printed by Eyre and Spottiswoode, the printers to Her Majesty?—It is a book of no sort of authority.

2436. Ought not the Commander-in-Chief to have been informed of the rules and regulations existing, and the terms upon which the men were enlisted, when he was desired by the Minister for War to get free of the Crimean Land Transport Corps?—I do not think that the Secretary of State for War considers that a

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document to be sent to the Commander-in-Chief. I believe the Commander-in-Chief may have received one privately from Colonel M'Murdo, the same as I myself did.

2437. This was submitted to the Duke of Newcastle and approved of by him, was it not?—Very likely, but at that time the corps was entirely under the orders of the Secretary of State.

2438. But I presume you received your orders from the Secretary of State to discharge the men?—Yes; at that time they had been placed under the orders of the Commander-in-Chief.

2439. Which do you consider should be the proper authority; the Horse Guards or the Secretary for War?—The Secretary for War.

2440. Then, having received those instructions, was it not natural for the men to suppose that they would be discharged under the same orders under which they were enlisted?—I suppose so; but probably not one of them was aware of that book.

2441. General *Codrington.*] I understood you to say that this is occasionally done; that in those cases where a man has deserted and rejoined, and where it has been considered not necessary or advisable to keep him in the corps, that he does not have a parchment discharge given to him, but has merely a protecting certificate given to him?—Certainly.

2442. Does that frequently happen in the army?—Yes; constantly.

2443. And it is the usual practice of the service, is it?—Yes.

2444. *Chairman.*] Do you consider that the discharge which Captain Vokes gave these men, under the authority of the Horse Guards, was a final discharge?—Certainly.

2445. You mean that it was such a discharge as would be given to men who belonged to Her Majesty's service?—Certainly, under peculiar circumstances.

2446. Would it be legal for any authority, after that, to take any of these men who had been so discharged on to the strength of the corps?—Certainly.

2447. Without a re-enlistment?—If they were re-enlisted.

2448. Then any man may be re-enlisted who could be taken on to the strength of the corps again?—Certainly; it was so on the formation of the Military Train. The original corps was disbanded. These were principally such men as had volunteered from other corps.

2449. What would you say to a man who had been enlisted (not one of those by Captain Vokes) coming to London, remaining there for three months, going back to Horfield, and then being put on the strength of the regiment again, with his protection in his pocket?—It could not be done unless he were re-enlisted.

2450. But he was not re-enlisted, and he received his back pay for those three months whilst he was amusing himself in London; was that legal?—Not if he had been finally discharged.

2451. That is not consistent with what you have just stated?—It is consistent; if he had been discharged he must be re-enlisted.

2452. The *Solicitor-General.*] He must be re-enlisted to be put on the strength of the corps, but there would be nothing to prevent his going to the barracks after his discharge, and receiving his back pay?—It would be very irregular to do so.

2453. But he would not be subject to the articles of war during the time he so remained without being re-attested?—Certainly not.

2454. General *Codrington.*] In your opinion it ought not to have been done without re-enlistment?—No; a man makes himself a soldier by calling himself so. If a man comes to barracks, and says, "I am a deserter from such and such a regiment," he makes himself by law a soldier; and this man may have been such a man; but however it was, it was most irregular.

2455. *Chairman.*] But if one man had a right to do it, all the others would equally have a right to do it?—Certainly; but it would not be permitted, and it could not be done.

2456. The *Solicitor-General.*] You mean it could not be regularly done?—No.

2457. General *Codrington.*] Colonel Evans has stated, with respect to this subject, this—a question is put by Colonel Pennant, "Had you a discretionary power as to what men you would take back upon the strength of the corps?—Yes. This was one of the men with respect to whom you thought proper to do so?—Yes. Can you produce the letter authorising that?—It is on the record." Do you think Colonel M'Murdo, with that authority, could take upon himself to do

do what is stated there for the convenience of the service?—If the man had been discharged they could not take him back without re-enlisting or re-attesting.

2458. That would be the regular and the proper way, would it?—He had permission to retain certain men on the strength of the corps, who had been made useful.

2459. *Chairman.*] He had received the protection paper, and was discharged under that order?—It could not be done.

2460. The *Solicitor-General.*] The case is stated by Captain Vokes to be this: He had received his discharge, but at the date of the discharge there was clearly due to him a sum of 12 *l.* 5 *s.*, and they had previously offered him the sum of 12 *l.* without the 5 *s.*, and he declined to take it, and upon that he received his discharge and came up to London, where he remained for 99 days; he then went back to Horfield to claim his money, and then it was stated he was taken upon the strength of the regiment; whether that was an inaccurate expression or not, you can judge; he was taken upon the strength of the regiment, and he was paid up all arrears during the time he had been in London, and during the period that his rightful claim of 12 *l.* 5 *s.* was being investigated, and then he was paid the whole, and he received his second discharge, the first discharge having been taken from him?—I should say it was a most irregular proceeding.

2461. *Chairman.*] And it is to be added that he did duty in barracks up to January?—That was a very irregular proceeding, taking him on the strength of the corps at all. I cannot account for it. I never heard of such an instance.

2462. Do the Horse Guards know the history of that?—Certainly not.

2463. The *Solicitor-General.*] The reason assigned by Captain Vokes, I think, for the proceeding was this, that he thought it was at the time an extremely hard case that the man should be, in the first instance, discharged, 12 *l.* 5 *s.* being due to him; and inasmuch as he had passed that interval of time without employment, he thought it nothing more than just to allow the claim, and that the man should receive the amount of pay in the meantime?—It might have been very considerate, but it was quite illegal.

2464. General *Codrington.*] Can you mention the date at which the corps was put under orders of the Commander-in-Chief for the discharging of the men?—It was long before the discharge: in May, 1856.

2465. Was it mentioned that it was for the purpose of the discharge?—Not at all; the Commander-in-Chief had for a long time ignored the corps; he said, "I know nothing about them; this I know, that they exist, though I had no formal notification of it. Colonel M'Murdo had left England, but still I knew nothing about it."

2466. Can you give the date?—It was on the 28th of March 1855 the letter from the War Department was communicated to the Adjutant-general, saying "as some misunderstanding appears to exist that the Land Transport Corps was independent of the Horse Guards: I am directed by Lord Panmure to state that this body falls as immediately under the hands of the General Commanding-in-Chief as any other branch of the army; and that Colonel M'Murdo, in the first instance, and subsequently Colonel Napier, had been permitted to correspond direct with the War Department merely to save time during the arrangement for its formation."

2467. Was that the first intimation you had that it was under the orders of the Commander-in-Chief?—Then, for the first time, it was ascertained that the Royal warrant for raising the corps had issued, and it was obtained on application at the War Office.

2468. That was your first official intimation?—Yes; after that, in August, it was notified to me, as I have before stated, that those four corps were not under his orders.

2469. Notified by the Commander-in-Chief?—Yes.

2470. What were the corps?—The Ambulance Corps, the Land Transport Corps, the Medical Staff Corps, and the Army Works Corps.

2471. It was notified that they were not under the orders of the Commander in-Chief?—Yes.

2472. Mr. *Roebuck.*] Does not the first letter distinctly state that from the very arrangement of the corps they were under the command of the Commander-in-Chief; and then in the next letter does it not state that they were not?—Yes.

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2473. Then there is a contradiction in the two letters, both of them issuing from the Secretary of War?—Yes.

2474. *Chairman.*] Have you the letter of the 22d of July 1856, addressed by the Horse Guards to the War Department; it is alluded to in a Parliamentary document, wherein it says, "I am directed by Lord Panmure to acknowledge the receipt of your letter of the 23d ultimo," (that is addressed to "The Military Secretary, Horse Guards,) "and in reply to acquaint you, for the information of his Royal Highness the General Commanding-in-Chief, that his Lordship is of opinion that, as there is no urgent necessity for the services of the Land Transport Corps, it would be advisable to get free from the Crimean corps in the first place, and then to organise the new men, who would otherwise be discharged, and who should, in his Lordship's opinion, be enlisted for the same period as the cavalry of the line"?—Yes.

2475. Would you give us that letter, and the answer to it?—I have not got it with me, but I will forward it to you.

2476. General *Codrington.*] What is the date of the subsequent letter, placing the corps under the orders of the Commander-in-Chief?—I do not see any other letter.

2477. I thought you mentioned just now a letter when the corps were coming home; was not that the first letter?—No.

2478. I understood that there was a letter on the 28th of March 1855, stating that the corps fell immediately under the orders of the Commander-in-Chief, and then subsequently to that, on the 29th, it was stated that they were not under the orders of the Commander-in-Chief; when were they subsequently placed under the orders of the Commander-in-Chief?—I am not aware of any other order.

2479. Then how came the Commander-in-Chief to discharge them?—I do not see any other specific letter to that effect.

2480. How came the Commander-in-Chief to discharge them, and not the Secretary at War?—He obeyed his orders, I suppose.

2481. What were those orders?—The first order to discharge was on the 22d May 1856, that was for a specific purpose.

2482. Colonel *Pennant.*] Does any of the corps remain in existence at this time?—Yes. The Army Works Corps I know nothing of. The Land Transport Corps is now called the Military Train, with which the Ambulance Corps is incorporated. The Medical Staff Corps exists *per se.*

2483. Then the Medical Staff Corps is not under the orders of the Commander-in-Chief?—It is, and it is not.

2484. Lord *A. V. Tempest.*] Is the Military Train under the orders of the Commander-in-Chief?—Yes.

2485. Colonel *Pennant.*] Then, if that letter were strictly interpreted, the Medical Staff Corps is not under the Commander-in-Chief?—Perhaps it may be so.

[*The following Paper was handed in:*]

I transmitted to the Chairman of Committee of the House of Commons upon the Land Transport Corps, in reference to that part of Glenie's complaint which relates to the non-receipt of 22 days' field allowance.

Horfield Barracks,
27 June 1857.

(signed) *J. M'Murdo,*
Col. Com.

Richard Glenie, late serjeant, Land Transport Corps, is informed that a letter from Mr. Rayner has been received regarding his claims. The only claim that is valid, is one for 22 days' field allowance, which was credited to the War Office on the 20th October 1855, by Paymaster M'Bride, and this had better be applied for by Serjeant Glenie.

By order,
(signed) *W. E. Evans,*
Assis. Director-general.

Horfield Barracks,
27 June 1857.

Care of Mr. T. Rayner, 7, Wellington-street, Southwark, London.

APPENDIX.

Appendix, No. 1.

PAPERS delivered in by Colonel *M'Murdo*, 25 June 1857.

(A.)

PROCEEDINGS of a COURT of INQUIRY held at HORFIELD BARRACKS on the 27th of October 1856, by Order of Colonel *M'Murdo*, Director-General Military Train; dated 25th October 1856.

President:—Brevet Major Shervinton.

M. Reeve, Chief Paymaster; C. W. Farwell, Lieutenant 4th Battalion.

No. 1,487, Serjeant *G. Glenie*, Land Transport Corps, being present, the Court proceed to examine Evidence respecting the Matter brought before it.

FIRST EVIDENCE.

No. 1,487, Serjeant *George Glenie*, Land Transport Corps, states:—I was in charge of a detachment of the Land Transport Corps at Devonport on the 1st June 1855 (a portion of this detachment was at Drake's Island). I produce my daily pay sheet and current account book, by which it appears that I have paid the sum of 45*l.* 10*s.* 7*d.* I also submit my receipt book, from which it will be seen that I only received the sum of 40*l.* from Lieutenant Sewell, who was my immediate commanding officer, and who was at the time quartered at Maker Heights; I am consequently owed the sum of 5*l.* 10*s.* 7*d.* by Lieutenant Sewell.

I further claim my regimental pay from the 1st August to the 13th September 1855, on which latter day I was sent home sick from the Crimea. I also claim field allowance from the 15th July to the 7th August, the day I was admitted into hospital; in all, amounting to 14*l.* 18*s.* 1*d.*; namely,—

	£.	s.	d.
Owed by Lieutenant Sewell - - - - - -	5	10	7
31 days' pay for August, at 4*s.* - - - - - -	6	4	–
13 days' pay for September, at 4*s.* - - - - - -	2	12	–
23 days' field allowance, at 6*d.* - - - - - -	–	11	6
£.	14	18	1

I also claim compensation for clothing lost during my detention in hospital.

SECOND EVIDENCE.

Lieutenant *A. G. F. Sewell*, Land Transport Corps, having been called, states that he is not provided with the documents referring to the matter in question, as he had no knowledge of their being required.

The Board is therefore for the present dissolved until 11 A.M. on Tuesday the 28th, or such other hour and date as may seem desirable to Colonel M'Murdo, Director-general.

(signed) *C. R. Shervinton*,
Brevet-Major and President.

Appendix, No. 1.

28 October 1856.

THE Board having re-assembled, pursuant to order, the following Question is put to Serjeant *Glenie.*

Q. What were the dates, and what the various sums received on those dates, from Lieutenant Sewell?—

A. On the 2d June 1855, received - - - - - £. 10 - -
I think, on the 7th June 1855, received - - - 20 - -
On the 14th June 1855, received - - - - - 10 - -

And those are the exact sums, and none other, which I received. I gave receipts to Lieutenant Sewell for the same.

SECOND EVIDENCE.

Paymaster *Adam M'Bride* being questioned respecting Serjeant Glenie's claim for pay for the month of August and 13 days in September, together with 23 days' field allowance, states:—I was, in the months of August and September 1855, the paymaster of the division to which Serjeant Glenie at that time belonged. Serjeant Glenie came upon my pay list on the 3d August 1855, he having received an advance of pay up to that date, upon his landing in the Crimea. Serjeant Glenie's pay to the 31st August was drawn by me, and again credited to the public in the pay list for September quarter 1855, together with 11 *s.* field allowance; total, 6 *l.* 7 *s.* A No. 1 report was forwarded to Scutari, showing that Serjeant Glenie's pay had been drawn for him to that date.

The Board here requested Paymaster M'Bride to communicate with Paymaster Cassidy, the paymaster at Scutari, requesting him to state the period for which pay was issued for Serjeant Glenie, and to whom it was so issued.

THIRD EVIDENCE.

Lieutenant *Sewell,* Land Transport Corps, being questioned respecting the sum of 5 *l.* 10 *s.* 7 *d.*, alleged by Serjeant Glenie to be due to him from the said Lieutenant Sewell, states:—I produce the receipts of Serjeant Glenie, showing the various amounts issued to him by me for the purpose of his paying the detachments under his charge near Devonport.

The Board having examined the various receipts produced, the signatures to which having been shown to and acknowledged by Serjeant Glenie as his receipts given to Lieutenant Sewell, find that, in addition to the sums acknowledged by Serjeant Glenie, that there were further sums received by him to the amount of 11 *l.* 10 *s.*:

	£.	s.	d.
On the 5th June - - - - - - -	10	-	-
„ 10th June - - - - - - -	1	10	-
TOTAL - - - £.	11	10	-

The Board having heard all the evidence respecting the claims of Serjeant Glenie, of the 1st Battalion Land Transport, are of opinion that with respect to his claim upon Lieutenant Sewell, that his claim is unfounded, and that he would appear, from the documents produced, to be in debt to that officer the sum of 5 *l.* 19 *s.* 5 *d.*

And further, with respect to his claims for pay for the month of August, 3d to 31st, that the same can be recovered by the paymaster notifying the claim to the Secretary of State for War; and until Paymaster Cassidy's reply has been received with respect to the 15 days of September, the Board cannot arrive at any decision as to the validity of the said claim.

(signed) *C. R. Shervinton,*
Brevet Major and President.

Maxwell Reeve,
Chief Paymaster.

C. W. Farwell, Lieutenant,
4th Battalion Land Transport Corps.

Horfield Barracks, 28 October 1856.

(Approved.)

(signed) *M. M'Murdo,* D. G.

(B.)

CHARGE submitted against No. 1,487, Serjeant *George Richard Glenie*, Land Transport Corps.

CHARGE.

FOR disgraceful conduct, in having on or about the 27th October 1856, at Horfield Barracks, before a court of inquiry, assembled for the purpose of investigating certain claims made by the said Serjeant George Richard Glenie, fraudulently endeavoured to establish a claim of 5*l.* 10*s.* 7*d.* against Lieutenant Sewell, Land Transport Corps, when in charge of two brigades of E. and F. Divisions of the corps at Maker Heights, in the month of June 1855, the said Serjeant George Richard Glenie being then in charge of a detachment of the above divisions at Devonport, and also in the capacity of pay-serjeant to the said detachment.

SUMMARY of Evidence in the case of Serjeant *Glenie*, charged "with having fraudulently endeavoured to establish a Claim of 5*l.* 10*s.* 7*d.* against Lieutenant *Sewell*."

Lieutenant *Farwell* states:—I was a member of a court of inquiry to investigate the above claim, at which court Serjeant Glenie stated that he had paid sums for Lieutenant Sewell to the amount of 45*l.* 10*s.* 7*d.*, and he produced books showing that he had only received 40*l.* from Lieutenant Sewell, and, therefore, preferred the claim for the balance which he asserted was still due to him from Lieutenant Sewell.

Lieutenant Sewell produced documents receipted by Serjeant Glenie, which showed that he had paid him (Serjeant Glenie) sums to the amount of 51*l.* 10*s.* (fifty-one pounds ten shillings). The signatures to these documents were admitted by Serjeant Glenie.

The court, therefore, came to the opinion, that the statement made by Serjeant Glenie was a false one, and preferred with the intention of fraud, in which opinion I, as a member of the court, fully concurred.

(signed) *C. W. Farwell*,
Lieutenant 4th Battalion Land Transport Corps.

Horfield Barracks, 31 October 1856.

EVIDENCE respecting Charges preferred against Serjeant *George R. Glenie*, Land Transport Corps.

Brevet-Major *Shervinton*, 46th Regiment, states:—I was president of a Board directed to assemble for the purpose of investigating a claim made by Serjeant George Glenie, of the battalion under my command, against Lieutenant Sewell, of the Land Transport Corps, for the sum of 5*l.* 10*s.* 7*d.*, which he stated (both verbally and in writing) was owed to him by that officer, in support of which claim he produced a book, showing that he had spent the sum of 45*l.* 10*s.* 7*d.* on account of that officer, for the payment of a detachment of the corps at Devonport, and stated at the same time that he had only received the sum of 40*l.* for the liquidation of the same, whereas, in reality, he had received the sum of 51*l.* 10*s.*, as proved by his acknowledged receipts, produced by Lieutenant Sewell for the information of the Board.

(signed) *C. R. Shervinton*,
Brevet-Major 46th Regiment,
1st Battalion Land Transport Corps.

Bristol, 29 October 1856.

WHILE I was in command of two brigades of the E. and F. Divisions of the Land Transport Corps, at Maker Heights, near Plymouth, I issued pay to Serjeant Glenie of the F. Brigade Land Transport Corps, in the month of June 1855, for the payment of a detachment of men of the above brigades, under his charge at Devonport, to the amount of 51*l.* 10*s.* (fifty-one pounds ten shillings.) The sum of 5*l.* 10*s.* 7*d.*, which Serjeant Glenie now unjustly claims, I deducted from the balance of pay handed over to the officer who went out to the Crimea in charge of the above brigades, as money drawn over the amount he states as having received from me for the payment of the men.

(signed) *John A. G. F. Sewell*,
Lieutenant Land Transport Corps.

Appendix, No. 1.

(C.)

MEMORANDUM.

THE enclosed letter having been received from the prisoner, Serjeant Glenie, Land Transport Corps, I recommend that, under the circumstances of this man being for discharge, that the prosecution of the case should be suspended.

Head Quarters, Military Train, (signed) *John M'Murdo*, D. G.
12 November 1856.

Sir, Horfield Barracks, 13 November 1856.

UP to the time of the assembly of the Board to investigate my claims against Lieutenant Sewell, Land Transport Corps, I was under the impression that the said officer was indebted to me; but now feel fully convinced that I have committed an error, and, therefore, beg to be permitted to withdraw all claims against the said officer.

I am, &c.
(signed) *G. R. Glenie*,
Serjeant 1st Battalion Land Transport Corps.

To Major Shervinton,
Commanding Land Transport Corps.

MEMORANDUM.

Serjeant Major Glenie to be released from arrest and discharged from the Land Transport Corps, if willing to await the settlement of any pay claims. His address to be registered.

(By order.)

15 November 1856. (signed) *J. W. M. Land*, A. C. C. G.

Serjeant Glenie has been released from arrest; but there being still some claims due to him on account of pay, he will remain with the corps to have them finally settled.

(signed) *C. R. Shervinton*, Major,
18 November 1856. Commanding Land Transport Corps.

(D.)

Horfield Barracks, 12 February 1857.

RICHARD GLENIE, Land Transport Corps, is informed that a letter from Mr. Rayner has been received regarding his claims. The only claim that is valid is one for 22 days' field allowance, which was credited to the War Department on the 20th October 1855, by Paymaster M'Bride, and this had better be applied for by Richard Glenie.

(By order.)

R. Glenie, Care of Mr. Rayner,
7, Wellington-street, Southwark,
London.

(signed) *W. E. Evans*,
Assistant Director-General.

(Pressing.)

Head Quarters, Military Train, Horfield Barracks,
Sir, 4 March 1857.

I HAVE the honour to report, for the information of His Royal Highness the General Commanding in Chief, that the enclosed writ was served upon me last evening.

The plaintiff, George Richard Glenie, was a serjeant in the Land Transport Corps, and recently discharged.

With respect to the first claim, I beg to forward the proceedings of a court of inquiry, marked (A.), which I ordered to report upon the matter on the 25th October last year.

His Royal Highness will observe, from the evidence and the opinion of the Court, that Serjeant Glenie's claim on his officer, Lieutenant Sewell, for 5*l.* 10*s.* 7*d.*, is utterly groundless; and under the circumstances of the case, and with a view to protect the officers of the Land Transport Corps from any similar fraudulent claims in future, the officer commanding the district directed that Serjeant Glenie should be tried by a court martial upon the charge marked (B.)

For balance due to plaintiff on account of disbursements as serjeant of the F. Division, Land Transport Corps, in the months of May and June 1855, 5*l.* 10*s.* 7*d.*

Subsequently,

Subsequently, however, the prisoner sent in a letter, marked (C.); and Colonel Palton, on my recommendation, suspended prosecution. Appendix, No. 1.

In order to complete the evidence in disproof of this claim, I have directed Lieutenant Sewell, who is on leave of absence, to send without delay the several receipts for sums paid to Sergeant Glenie by him, which he produced in evidence before the Court of Inquiry, and which I will transmit to you.

With regard to the second claim, I have to state that it is inadmissible in accordance with instructions received from the Secretary for War, the usual conducting money for recruits being authorised to be paid to District Staff Serjeants only, in consequence, it is presumed, of the very high rate of pay received by Serjeants of the Land Transport Corps, viz., 4 *s.* a day. To charges conducting 14 recruits from London to head quarters, 24th April 1855, 1 *l.* 15 *s.*

With regard to the third claim, I beg to refer to the evidence of Paymaster M'Bride in the proceedings of the Court of Inquiry, where it appears that 11 *s.* field allowance was drawn by that officer for Serjeant Glenie; but that in consequence of the departure of the serjeant sick from the Crimea, the money was recredited to the public, and a report of the same sent to Paymaster Cassidy at Scutari Hospital. To field allowance from 16th July to 6th August 1855, 11 *s.*

Subsequently it appears, that the Paymaster of Scutari Hospital had remitted the money home, and Glenie was informed by Lieutenant Colonel Evans on the 12th ultimo (see letter marked D.), that he might have the amount due to him upon application at the War Office, London.

I have now to request that His Royal Highness will be pleased to give me instructions how I should act in this matter before the 10th instant, being within eight days of the serving of the writ.

I have, &c.

(signed) *M. M'Murdo*, Director-General.

To Major-General Sir Charles Yorke, K.C.B.,
Military Secretary, Horse Guards,
London.

(Most pressing.)

Sir, Horse Guards, 5 March 1857.

I AM directed by the General Commanding in Chief to transmit to you the enclosed papers, which have been received from Colonel M'Murdo, who it appears has been served with a writ, on the suit of George Richard Glenie, a discharged serjeant of the Land Transport Corps, for monies claimed by him on account of services performed while in that corps.

It would appear from these papers that, so far from the first claim, that for 5 *l.* 10 *s.* 7 *d.*, being due to the plaintiff, he was himself indebted the sum of 5 *l.* 19 *s.* 5 *d.* to Lieutenant Sewell, the officer in charge of the troop to which he had belonged. That with regard to the second item, 1 *l.* 15 *s.* for conducting recruits, the charge is not admissible by the War Office; and that as respects the third item, the claim for field allowance, the plaintiff had been informed that he might have the amount on application to the War Office in London.

Under these circumstances, His Royal Highness would suggest that the papers should be placed in the hands of the Solicitor of the War Department, with a request that he will take such steps in the case as may appear necessary.

I have to add that the eight days within which Colonel M'Murdo is required by the writ to appear, will expire on the 10th instant.

I have, &c.,

The Under Secretary of State for War. (signed) *C. Yorke.*

Head Quarters, Military Train, Horfield Barracks,

Sir, 14 March 1857.

WITH reference to my letter of the 4th instant, relative to the case of George Richard Glenie, late a serjeant in the Land Transport Corps, who had a writ served upon me for alleged arrears of pay due to him, I have the honour now to forward the enclosed receipts of money paid him by Lieutenant Sewell, with a view to their being transmitted to the solicitor of the War Department, who will appear in the case.

I have, &c.

(signed) *M. M'Murdo,*
Director-General.

To Major-General Sir Charles Yorke, K.C.B.,
Military Secretary, Horse Guards,
London.

Appendix, No. 1.

Sir, Llangollen, 5 March 1857.

I HAVE the honour to enclose the receipts of the late Serjeant Glenie, Land Transport Corps, relative to the claim made by him against me, and I beg you will convey to the Director-general my regret that he should have been further troubled after the decision of the Board, held to investigate the said claim.

I also beg you will express to the Director-general, that could I afford at the present time to sacrifice the amount, I would willingly pay the unjust claim, to prevent the necessity of his appearing in the case.

I have, &c.
(signed) *John A. G. F. Sewell.*

Major Shervinton, Horfield Barrack, Bristol.

June 1st, 1855.

RECEIVED of Quartermaster S. Sewell the sum of Ten Pounds on account of payment of part F Division, stationed at Devonport, numbering 30 men.

George Richd. Glenie,
Sub-Supt. F Division, L. T. C.

£. 10. 0. 0.

June 5th, 1855.

RECEIVED of Quartermaster Sewell the sum of Ten Pounds on account of payment for F Division, stationed George-square Barracks, Devonport, numbering 30 men.

Sub-Supt. *G. R. Glenie,*
F Division, L. T. C.

£. 10. 0. 0.

June 7th, 1855.

RECEIVED from Quartermaster Sewell, for Supt. Craeigeh, the sum of Twenty Pounds, for payment of 30 non-commissioned officers and men at George-square, Devonport, and Drake's Island, part of F Division in charge of Sub-Supt. G. R. Glenie.

Sub-Supt. *G. R. Glenie,*
F Division, L. T. C.

£. 20. 0. 0.

June 13th, 1855.

RECEIVED from Quartermaster Sewell, per Supt. Bannister, the sum of Ten Pounds.

Sub-Supt. *G. R. Glenie,*
F Division, in charge of Detachment.

£. 10. 0. 0.

June 15th, 1855.

RECEIVED of Quartermaster Sewell the sum of Thirty Shillings, balance due on account of payment to men.

G. R. Glenie,
Sub-Supt. F Division, L. T. C.

£. 1. 10. 0.

RECEIVED of Quartermaster Sewell the sum of Eight Pounds, on account of pay for part of F Division, consisting of 30 men.

G. R. Glenie, Sub-Supt.,
Plymouth, May 18th, 1855.

£. 8. 0. 0.

May 21, 1855.

RECEIVED of Quartermaster Sewell the sum of Seven Pounds, on account of pay for F Division, numbering 30 men.

Sub-Supt. *G. R. Glenie.*

£. 7. 0. 0.

Appendix, No. 1.

RECEIVED May 23d, 1855, of Quartermaster Sewell, the sum of Two Pounds, on account of payment for 30 men and non-commissioned officers of F Division, L. T. C.

Sub-Supt. *G. R. Glenie*, L. T. C.,
£. 2. 0. 0. George-square, Devonport.

RECEIVED May 24th, 1855, of Quartermaster Sewell, the sum of Twelve Pounds, on account of payment for 30 non-commissioned officers and men of F Division, Land Transport Corps.

Sub-Supt. *G. R. Glenie*, L. T. C.,
£. 12. 0. 0. George-square, Devonport.

RECEIVED, May 29th, 1855, Quartermaster Sewell, the sum Seven Pounds, on account of pay for 30 non-commissioned officers and men of F Division, at Devonport Barracks, George-square, Devonport.

Sub-Supt. *G. R. Glenie*,
£. 7. 0. 0. F Division, L. T. C.

Appendix, No. 2.

LETTER from Major-General Sir *C. Yorke* to the Under Secretary of State for War.

(Immediate.)

Sir, Horse Guards, 16 March 1857. Appendix, No. 2.

WITH reference to my letter of the 5th instant, with its enclosures, relative to the case of George R. Glenie, late a serjeant in the Land Transport Corps, who had caused a writ to be served upon Colonel M'Murdo for alleged arrears of pay, &c., due to him,—I am now directed by the General Commanding-in-Chief to transmit to you, for submission to the Secretary of State for War, the accompanying letter which has been received from Colonel M'Murdo on the subject, enclosing receipts for money paid to the man in question by Lieutenant Sewell, with a view to their being transmitted to the Solicitor of the War Department.

I have, &c.
(signed) *C. Yorke.*

The Under Secretary of State for War.

Appendix, No. 3.

V. R.

LAND TRANSPORT CORPS.

HER MAJESTY having been graciously pleased to direct, by Her Royal Warrant, dated 24th January 1855, that a corps, to be denominated "THE LAND TRANSPORT CORPS," shall be established as a part of Her Majesty's regular land forces, which shall be charged with the transport of all stores, supplies, and necessaries at all times required by Her Majesty's army in the field, Appendix, No. 3.

IT is hereby publicly notified, that the objects of this corps are:—The general organisation, as a military body, of the entire Land Transport Service, with a view to the more effectual supply of the army in the field with all that is essential to its convenience, its rapid movement, and its efficiency.

It follows, therefore, that for the efficient performance of duties, on which depend not alone the success of our operations in war, but the very existence of our soldiers in the field, Her Majesty requires the services of a hardy, intelligent, and sober class of men, as drivers or responsible conductors, having the charge of men, animals, and supplies.

It has therefore been decided that the pay shall be commensurate with the importance of the trust which shall be confided to them: and the rates attached to the higher grades

Appendix, No. 3.

of the corps are also published, to show the certain rewards that will attend upon good conduct and merit.

The following are the rates of pay, and other advantages:—

Drivers, 3rd class - - - -	1*s.* 3*d.* a day,	clothing and	rations free.
Ditto 2nd class - - - -	2*s.* 6*d.*	Ditto	Ditto
Ditto 1st class, rank as Corporal -	3*s.*	Ditto	Ditto
Sub-superintendents, rank as Serjeants	4*s.*	Ditto	Ditto
Superintendents, rank as Serjeant-Majors	5*s.*	Ditto	Ditto

Bounty 5*l.* in cash and necessaries.

There being upwards of 2,000 men in the Land Transport Corps of a higher grade and increased rate of pay, it necessarily follows that promotions will be frequent.

In addition to the usual uniform clothing, the same quantity of warm clothing which Her Majesty has graciously ordered to be issued to the troops in the Crimea will also be furnished to the drivers of the Transport Corps.

No drivers of the 3d Class will be enlisted under 20 or over 35 years of age.

The term of service to be for five years from the date of enlistment, or until the end of the present war, should it terminate at an earlier period.

Drovers and men accustomed to the care of animals will be preferred. A bounty of 5*l.* given.

Applications for enlistment will be received at the King's Arms, Cannon Row, Westminster, from 9 a.m. till 5 p.m. daily.

Bringers of Recruits liberally rewarded.

Appendix, No. 4.

PAPERS referred to by the Adjutant-General in his Evidence.

Appendix, No. 4.

EXTRACT of a MEMORANDUM communicated by the Military Secretary to the Adjutant-General on the 28th of August 1855, on its receipt from the War Office.

9. "Monthly Reports of all Corps not at present under the Commander-in-Chief should be required when practicable, and transmitted to the Queen, viz.:—

"The Ambulance Corps.
"The Land Transport Corps.
"The Medical Staff Corps.
"The Army Works Corps."

(True extract.)

G. A. Wetherall, A. G.

LETTER from Colonel *Mundy* to Major-General *Yorke.*

Sir, War Department, 27 March 1855.

SOME misconception apparently existing that the Land Transport Corps is independent of the Horse Guards, I am directed by Lord Panmure to request you will state to Viscount Hardinge, that this body falls as immediately under the control of the General Commanding-in-Chief as any other branch of the Army; and that Colonel M'Murdo, and, since his departure, Lieutenant-Colonel Napier, have been permitted to correspond with the War Department, merely with the view to save time during the preliminary arrangements for its formation.

The Corps is being recruited as fast as possible, and will be sent to the seat of war by successive drafts; and Lord Panmure is desirous that the requisitions for tonnage for this service should be addressed by Lieutenant-Colonel Napier to the Horse Guards, and by the Horse Guards forwarded to the War Department for transmission to the Transport Board.

Lieutenant-Colonel Napier will be instructed to address himself henceforth to the Horse Guards on all matters of duty.

I am, &c.
(signed) *G. C. Mundy.*

Major-General Yorke,
&c. &c. &c.

(True copy.)

G. A. Wetherall, A. G.

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Bowen, John. (Analysis of his Evidence.)—Enlisted in the Land Transport Corps as a first-class driver on the 7th May 1855, returned to England on the 18th June 1856; landed at Portsmouth 528-532——Statement made by witness that at this period he had received nothing from the Government, 533, 534——Evidence in detail relative to the arrears due to witness, and the payment thereof, 535-597. 599-617. 623. 631-638——Witness got what is called a protection paper, 546-551——Has got no regular parchment discharge, 598—— Witness was on the strength of the corps up to January 1857 without being enlisted; opinion that this proves that he had not a legal discharge, and that he is still not a discharged man at all, 618-628.

Difficulty witness has in finding employment; supposes his old masters fancy he cannot do a day's work so well now as before he went to the Crimea, 629, 630—— Witness merely wants his rights, and to be discharged as a soldier ought to be discharged, 639——Has asked for a parchment discharge, and has been refused, 640-656. 661-674. 681-696——Witness enlisted in London as a first-class driver; was to have received 2*s.* 6*d.* a day, and rations and clothing free; but instead of this, has had to pay for all his clothing, 675-678——Arrears of pay which witness still considers due to him, 697-722.

Bowen, Mr. Evidence relative to the payment of John Bowen; reason why he was paid while in London, the protection paper having been given to him, *Glenie* 723-732 ——The difference between Bowen's case and that of witness and many others, was that Bowen had not signed the protection paper, *ib.* 738-748——Reasons why the claim of a man named Bowen was allowed after he had been discharged, and remained in London for ninety-nine days. *M'Murdo* 1464-1471; *Evans* 1549-1578.

With regard to Bowen's statement that he applied for a parchment discharge in December, at Horfield, and was refused, witness can only say that he had no more right to ask for it than any other of the 7,000 men who did not get them; there were no orders from the Adjutant-General's Office to issue parchment discharges, *Evans* 1579-1593—— Impropriety of the proceedings adopted in the case of John Bowen, *Sir G. A. Wetherall* 2449-2463.

Braby, Henry. (Analysis of his Evidence.)—Served in the Land Transport Corps in the Crimea as a driver, 947, 948——Complains of the way in which he was discharged when he returned, 949, 950——On the morning he was discharged he was turned out of barracks with 5*s.* only; his kit was taken away, 951——Witness was under stoppage for having been absent without leave, and there was a balance due against him of 19*s.* 7*d.*; 952-965. 971-978——Witness objected to the paper discharge; it was put into his hand, and he refused to take it, 966-970—— There is no character on witness's discharge, 975——Has not applied for any permanent work since his discharge, 979-981.

Brown, John. (Analysis of his Evidence.)—Served as a corporal in the second levy of the Land Transport Corps; mode of witness's discharge, 1762-1782——Has no complaint to make about his discharge, but has a claim against the Government of between 4*s.* and 5*s.* for necessaries, 1783-1787

Burgoyne, Henry. (Analysis of his Evidence.)—Belonged to the second levy of the Land Transport Corps; enlisted on the terms of 5*l.* clear bounty, and has only received 2*l.* 0*s.* 10*d.*; the reduction was to pay for the kit, 459-463. 466-470——Has not got a parchment discharge, 464, 465——Has been refused employment in consequence of not having a proper discharge, 471-485. 490-496——When witness enlisted he was sworn in for ten years, but understood that he was enlisting for five years; was disappointed and astonished at being dismissed so suddenly, 486, 487. 504, 505—— Pay witness got in the Crimea, 488, 489——Amount of Queen's bounty witness got on his discharge, 497-500——Complaint that just before witness came home from the Crimea he was charged 2*s.* 6*d.* for a water bottle, and 1*s.* 8*d.* for a haversack, 501, 502. 506-509.

C.

Certificates of Character. See *Character, Certificate of.*

Character, Certificate of. Witness does not see why it should be better to have a character written on a parchment rather than on the back of a protecting certificate, except that he does not consider the latter a legal document, *Austin*, 73-85——Witness's character is written "good" at the back of his protection paper, *Glenie* 226, 227——Was discharged on the 12th August 1856; did not receive a parchment discharge, but only a paper certificate; was told he must send to Bristol for his character, and was to have had it on parchment, *Stevens* 315-322——Witness has got no employment in consequence of the want of character on his protection paper; has been twelve months out of employment; evidence in support of this assertion, *ib.* 322——There is no character on witness's discharge, *Braby* 975——Witness has a character from Lieutenant Mitchell, *Bardus* 995——In every case, where application has been made, their character has been put on the protection paper; this was not done unless specially applied for, *Vokes* 1680-1685.

Claims for Arrears:

1. *Generally.*
2. *Particulars relative to various of these Claims.*
3. *Suggestions as to the Steps which should be taken for investigating and settling these Claims.*

1 *Generally:*

The claims of the men are still constantly coming in, *M'Murdo* 1439-1447——Opinion that, from the moment the men received the certificate or protection paper, they could have no after-claim upon the Government, *ib.* 1461-1463——Every exertion was made to get the claims sent in, and to get them settled as quickly as possible, *ib.* 1472-1476——Has no complaint to make about his discharge, but has a claim against the Government of between 4 *s.* or 5 *s.* for necessaries, *Brown* 1783-1787——The greater part of the claims are now discharged, but they still daily keep coming in, *Evans* 1599——At the time of the discharge of the men, many stated they had claims, who, it was afterwards discovered, had no claims at all, *Vokes* 1659-1661——Dissatisfaction of the men at leaving Portsmouth with their claims unsettled, *Williams* 1914, 1915.

2. *Particulars relative to various of these Claims:*

Witness has no arrears of pay due to him, but claims a sovereign, which he was charged for a pair of trousers; particulars of this claim, *Riordan* 245. 249-253. 303-312——Pay due to witness at the present time, and accounts on which due, *Welsh* 348-351——Witness has applied for it several times, and has got no answer; evidence in detail respecting these applications, *ib.* 352-362. 364-373. 378-395——Evidence in detail relative to the arrears due to witness, and the payment thereof, *Bowen* 535-597. 599-617. 623. 631-638. 697-722——Witness was discharged in November last, and was paid up to that day, and has given a receipt in full of all demands; particulars relative to a claim witness has since sent in, amounting to 24 *l.* 3 *s.*; *O'Niell* 764, 765. 770-784.

Witness has a claim of 17 *l.* 18 *s.* 8 *d.* still unsettled; parties to whom witness has applied for payment of this claim, and particulars of the claim, *Bessell* 886-907——Has signed a paper, acknowledging to have received all arrears of pay, and all demands from the time of his enlistment to the time of his discharge, *ib.* 898-907. 910. 919——Did not read it, and understood it was only for the pay he had enlisted for, and not the working pay as a mechanic, *ib.* 898-907. 931-934——At the time witness signed the paper, he stated that he considered there was a claim still outstanding, *ib.* 910-918. 929-946.

Witness claims his ship's clearance, that is, pay while he was on board ship; did not make this claim when he was discharged, but spoke upon it when he was in the Crimea, *French* 1076-1095. 1103-1107——Does not know why he signed papers that nothing was due to him, and now makes a claim, *ib.* 1134-1140——The claim that witness has upon the Government is, that he considers his pay is going on till he is discharged, *William Bird* 1187. 1235-1240——Claim put forward by witness for 1 *l.* 5 *s.*, which accrued when witness was in Abydos hospital; examination hereon as to witness having, in February 1856, signed a statement that 1 *l.* 5 *s.* was due from him, *Sullivan* 2281 *et seq.*

3. *Suggestions as to the Steps which should be taken for investigating and settling these Claims:*

Suggestion by the Committee that the demands made by the corps should be carefully and justly examined, and that in a generous spirit, *Rep. p.* iii——Explanation relative to the instructions given by witness in August, on his finding the Land Transport Corps being rapidly discharged without their claims being settled, *M'Murdo* 1324——Instructions given by witness that every exertion should be made to settle the men's accounts, as well as they could be settled under existing circumstances, *ib.* 1333, 1334——Evidence as to the mode in which these claims are investigated, *ib.* 1448-1457.

See also *Arrears. Artificers. Bowen, Mr. Clothing and Rations. Committee of the Corps. Glenie, Serjeant. Pay. Proclamations. Regimental Boards.*

Clothing and Rations. Complaint that on the formation of the corps it was promised that the clothing and the rations should be free, which promise has not been kept; amount still due to witness, *Austin* 4. 9–12. 53–58. 99–102——Evidence as to the claims for clothing having been nearly all settled, and as to there being no claims unsettled for rations, *ib.* 86–94——Witness enlisted in London as a first-class driver, was to have received 2 *s.* 6 *d.* a day, and rations and clothing free; but instead of this, has had to pay for all his clothing, *Bowen* 675–678——Period at which witness made his claim for the clothing; it was recorded and allowed, but witness never received it; nature and amount of the claim, *Bardus* 1018–1025. 1032–1067.

Particulars relative to a claim made by witness for clothing, *French* 1108–1120——Evidence relative to the system pursued with respect to the clothing of the men, *M'Murdo* 1477, 1478——Witness's present complaint is, that he has never received any compensation for clothing, nor for the injury and loss he sustained by the wreck of the "Spartan," *Forbes* 1711–1714——Evidence in detail relative to the applications he has made on these subjects, and results of these applications, *ib.* 1715–1748. 1756–1759.

Belief that the condition as to free clothing was not fulfilled, and that some compensation is due on this point, *Williams* 1974–1979——Witness had to pay for his breakfast mess, which he considered was part of his rations, *Huchins* 2201–2203——He had also to pay over 2 *l.* for his clothing, &c., though he understood he was to have it free, *ib.* 2201. 2204–2219——Claim put forward by witness for compensation for a pair of trousers paid for by himself in 1855, *Sullivan* 2270–2283——Official notification that clothing is to be free, *App. p.* 108.

See also *Bounty.* *Claims for Arrears,* 1.

Commander-in-Chief. Previous to the discharge of the men, the corps was, by special letter, placed under the orders of the Commander-in-chief, *Sir G. A. Wetherall* 2382, 2383. 2412. 2416. 2464. 2466——In July 1855 the Commander-in-chief was told that the Land Transport Corps, the medical staff, &c., were not under the orders of the General commanding in chief; reference hereon to a previous letter, in March 1855, to the effect that the Land Transport Corps was under his orders, *ib.* 2416. 2466–2485.

See also *Correspondence.* *Formation of the Corps.* *Recruits.*

Committee of the Corps. Witness was former secretary to a committee formed of the corps for the purposes of having their grievances redressed, *Austin* 3——Wrote a memorial to Captain Vokes, who stated that he would present it to Lord Panmure, but merely sent it to Colonel M'Murdo, *ib.* 3——This memorial, setting forth the grievances of the corps, read, *ib.* 4——Reply of Colonel M'Murdo to this memorial, stating that as regards the clothing and rations, the complaint as to non-free supply thereof shall be attended to, *ib.* 5——This reply was considered satisfactory, *ib.* 6–8.

Witness had a communication with the committee for conducting this matter before he made his claim, *Bessell* 908, 909——Witness has seen some of the committee of the corps since he signed the papers stating that nothing was due to him, *French* 1141——Witness first heard the complaint about the parchment certificates, at the same time that he heard there was a committee of the men sitting, *Vokes* 1652.

Compensation. See *Clothing and Rations.*

Conducting Money. Witness considers he is entitled to the sum of 1 *l.* 15 *s.* for conducting money, and also to 11 *s.* for field allowance; how far witness has applied for these sums, *Glenie* 1315–1318.——*See* also *Glenie, Serjeant.*

Correspondence. Absence of communication from the Crimea with the Commander-in-chief relative to the corps, *Sir G. A. Wetherall* 2405. 2415.

Crimea. Extremely hard work and very great privations which the corps underwent in the Crimea almost without a complaint, *Williams* 1904–1906. 1970–1973. 1980. 1991–1998.

D.

Deserters. Witness has now no discharge, and might be taken up as a deserter, *William Bird* 1183–1186. 1209.

Dherman, Juliane. (Analysis of his Evidence.)—Served in the corps in the Crimea as pay and quartermaster serjeant, 1823–1825——Returned from the Crimea on the 15th August, and did not get his discharge till the 26th January, 1826, 1827——Claimed his discharge at Woolwich in August, having then an opportunity of getting a situation in Australia, but it was refused him, on the ground that his further service was necessary for the settlement of the accounts of his battalion, 1828 *et seq.*

On the battalion landing at Woolwich, sixty-nine of the men objected to being discharged, as ordered by Captain Vokes, 1836–1840——Witness, on discharge, got merely a protection paper, 1849. 1871–1873——Duties of witness in regard to the accounts; these duties might, on his discharge, have been fulfilled by any one else, 1853–1855. 1858–1870. 1883–1895——Right of witness to his discharge at the time he claimed it, 1856, 1857. 1896.

Report, 1857—*continued.*

Dherman, Mr. Witness claimed his discharge at Woolwich in August, having an opportunity of getting a situation in Australia; but it was refused him, on the ground that his further service was necessary for the settlement of the accounts of his battalion, *Dherman* 1828 *et seq.* ——Duties of witness in regard to the accounts; these duties, on his discharge, might have been fulfilled by any one else, *ib.* 1853–1855. 1858–1870. 1883–1895 ——Dherman's discharge before the accounts and claims of his regiment were settled, would probably have been inconvenient to the service, *Williams* 1941–1945.

Disbandment of the Corps. The discharges from the corps were looked upon as a reduction, and not as a disbanding, *Williams* 2007–2013——Disbandment of the corps, notwithstanding that none were discharged who did not wish it, *Sir G. A. Wetherall* 2357–2371.——*See* also *Claims for Arrears. Regimental Boards.*

Discharge of the Corps:

1. *Evidence generally as to the Mode in which the Men were Discharged.*
2. *Complaints as to the Irregularity thereof; how far Steps were taken to remedy the Evil.*

1. *Evidence generally as to the Mode in which the Men were Discharged:*

Mode in which witness was discharged; evidence as to his refusal to accept his discharge, *Glenie* 148–180——When witness was discharged he had a paper, but it was of no use to him, as it was not a regular discharge, *Bardus* 994–998——Reference to the orders that were issued from the Secretary at War, to the effect that the men were to be dismissed in a manner different from the regulations, *M'Murdo* 1360–1378——Witness was sent down to Portsmouth by the Adjutant-general to discharge the men as they arrived from the Crimea, *Vokes* 1613–1616.

Witness was discharged at camp, Brown Down; way in which the discharge was conducted, *Forbes* 1699–1708——Witness returned from the Crimea on the 15th August, and did not get his discharge till the 26th January, *Dherman* 1826, 1827——On witness's battalion landing at Woolwich, sixty-nine of the men objected to being discharged, as ordered by Captain Vokes, *ib.* 1836–1840——Right of witness to his discharge at the time he claimed it, *ib.* 1856, 1857. 1896.

The men of the second battalion were paraded on board ship before disembarkation, and were asked if they wished to be discharged, *Williams* 1902, 1903——A wish to be discharged was not the general feeling of the men; there was great diversity of feeling and opinion on the subject, *ib.* 1904. 1923–1930. 1937–1940. 1950, 1951——Witness does not know the number of men discharged on return from the Crimea, *Warner* 2060–2062——On being discharged at Bristol, witness and several others were marched as prisoners to the railway station, and received their money in the carriages, *Huchins* 2220–2226.

2. *Complaints as to the Irregularity thereof; how far Steps were taken to remedy the Evil:*

Remarks of the Committee as to the non-observance of the usual rules and regulations in themode of effecting the discharge, *Rep. p.* iii——Witness merely wants his rights, and to be discharged as a soldier ought to be discharged, *Bowen* 639——Witness complains of the way in which he was discharged when he returned from the Crimea, *Braby* 949, 950 ——On the morning he was discharged he was turned out of barracks with 5*s.* only; his kit was taken away, *ib.* 951.

How far the men who landed with witness took their discharge; dissatisfaction expressed by some of them at the mode in which they were discharged; some volunteered into another corps, *French* 1121–1127——When witness arrived in this country he found the men were being discharged in an irregular manner; steps taken by witness in consequence, *M'Murdo* 1331 *et seq.*——Witness has always considered that the men were discharged in a highly irregular manner, *ib.* 1431.

See also *Arrears. Artificers. Bounty. Bowen, Mr. Claims for Arrears. Commander-in-Chief. Deserters. Dherman, Mr. Disbandment of the Corps. Employment. French, Mr. Hardinge, Lord. Horse Guards. M'Murdo, Colonel. Paper Discharges. Parchment Discharges. Peel, Mr. F. Protecting Certificate. Re-enlistment. Regimental Boards. Term of Service. Travelling Expenses. Vokes, Captain.*

E.

Employment. Difficulty in the way of the men finding employment, in consequence of a proper and legal discharge not having been given to the members of the corps, *Austin* 4——Witness has not been refused employment in consequence of not having a parchment discharge, but knows many men who have been so refused, *ib.* 50–52. 73–85——Witness has never been refused employment in consequence of not having a proper discharge, *Glenie,* 221–225——Evidence showing that witness has been refused employment in consequence of

Employment—continued.

of his not having a proper dischagre, *Riordan* 236 *et seq.*, 254, 255. 277–290——Witness has never found any difficulty in obtaining a situation, although he has not a parchment discharge, *Welsh* 374–377——Protection paper gievn to witness; evidence as to his subsequent application for a parchment discharge, in consequence of his having been refused employment, *Walter Bird* 398, 399. 401–429——Witness has been refused employment in consequence of not having a proper discharge, *Burgoyne* 471–485. 490–496.

Difficulty witness has in finding employment; supposes his old masters fancy he cannot do a day's work so well now as before he went to the Crimea, *Bowen* 629, 630——Witness wanted a parchment discharge at the time he was discharged, and has been refused employment through not having it, *French* 1442–1468——Witness received a paper protection instead of a parchment discharge; inconvenience he has found from this as regards getting employment, *Forbes* 1749–1756——Witness objected to receive a paper certificate, and has since suffered inconvenience through not having a parchment discharge, *Huchins* 2151–2162——The complaint that through want of parchment discharges the men could not be employed at Woolwich was found to be untrue, *Sir G. A. Wetherall* 2419–2421. 2430, 2431.

See also *Character, Certificate of.* *Dherman, Mr.*

Enlistment, Terms of. Opinion of the Committee that the discharge of the corps was not in violation of the terms of enlistment, *Rep. p.* iii——Grounds upon which witness forms the opinion that the terms of the enlistment have not been fulfilled, *Austin* 13–26. 59 *et seq.*——Offers which were made to the men of the Land Transport Corps about enlisting, *ib.* 109–116. 125–127——Terms of witness's enlistment; grounds on which he formed the opinion that he was engaged for five years, and statement that it was with this understanding that he enlisted, *Glenie* 144–147——Corroboration of the opinions expressed by Mr. Austin in his evidence that the Government have not fulfilled their contract as regards the enlistment, and that the men are discharged in an illegal manner, *ib.* 181 *et seq.*——Reference to the strong feeling in Horfield Barracks among the men enlisted in Ireland, that the hopes held out to them by Captain Vokes on enlistment had not been fulfilled, and that the price of the kit should not have been taken out of the 5 *l.* bounty, *Williams* 1952–1969.

See also *Attestation of Recruits.* *Formation of the Corps.* *Proclamations.* *Term of Service.*

Evans, Lieutenant-Colonel William Edwin. (Analysis of his Evidence.)—Lieutenant-colonel and Assistant Director-general of the Land Transport Corps, 1545——Evidence showing that instead of Serjeant Glenie having any claim against the Government, there was a claim against him, 1546–1548——Reasons why Bowen's claim was paid to him, 1549–1578——With regard to Bowen's statement that he applied for a parchment discharge in December at Horfield, and was refused, witness can only say that he had no more right to ask for it than any other of the 7,000 men who did not get them; there were no orders from the Adjutant-general's office to issue parchment discharges, 1579–1593.

The first complaint witness heard with reference to the difference between the paper certificate and the parchment discharge, came from London, 1594–1607——The only ground of complaint witness heard was that some of the men were discharged without being paid their arrears, 1596–1598——The greater part of the claims are now discharged, but they still keep coming in daily, 1599——Small number of men who have received parchment discharges in the usual form, 1608–1611——The supposition that the men were engaged for a period of five years certain is a complete afterthought, 1612.

F.

Forbes, James. (Analysis of his Evidence.)—Was in the first levy of the Land Transport Corps; served in the Crimea, and arrived in this country in December, 1855, 1694–1698——Was discharged at camp, Brown Down; way in which the discharge of the men was conducted, 1699–1708——Witness did not object to be discharged, as he had got the offer of a situation at the time, or he would not have taken his discharge, 1709–1710——Witness's present complaint is that he has never received any compensation for clothing, nor for the injury and loss he sustained by the wreck of the "Spartan," 1711–1714.

Evidence in detail relative to the applications he has made on these subjects, and result of these applications, 1715–1748. 1756–1759——Witness received a paper protection instead of a parchment discharge; inconvenience he has found from this, as regards getting employment, 1749–1756.

Formation of the Corps. Remarks of the Committee upon the want of unity and combination which appears to have characterised the relation of the Secretary of State for War with the Commander-in-Chief, with reference to the formation of the Corps *Rep. p.* iv

Report, 1857—*continued.*

Formation of the Corps—continued.

——Many of the men were enlisted without reference to their fitness for the work, *Williams*, 1969. 1973. 1993–1996——Anomalous character of the Land Transport Corps, inasmuch as for a considerable time the Commander-in-Chief had no cognisance of it, *Sir G. A. Wetherall* 2380, 2381. 2405. 2410–2416. 2465——Official notification as to the objects of the corps and the class of men necessary for the service, *App. p.* 107, 108.

See also *Vokes, Captain.*

Free Rations. See *Clothing and Rations. Rations.*

French, Robert. (Analysis of his Evidence.)—Enlisted in the Land Transport Corps as a second-class driver; was formerly a carman; was discharged at Portsmouth, 1068–1075 Witness now claims his ship's clearance, that is, pay while he was on board ship; did not make this claim when he was discharged, but spoke about it when he was in the Crimea, 1076–1095. 1103–1107——Way in which witness's discharge was offered to him; he wished to be discharged, but by a parchment discharge, 1096–1102——Particulars relative to a claim made by witness for clothing, 1108–1120——How far the men who landed with witness took their discharge; dissatisfaction expressed by some of them at the mode in which they were discharged; some volunteered into another corps, 1121–1127.

Witness made sure that he was to serve for five years, or he would not have enlisted, 1128–1133. 1169–1174——Witness does not know the reason why he signed papers that nothing was due to him, and now makes a claim, 1134–1140——Has seen some of the committee of the corps sinced he signed these papers, 1141——Witness wanted a parchment discharge at the time he was discharged, and has been refused employment through not having it; case in which he has been refused, 1142–1168.

Mr. French. Way in which witness's discharge was offered to him; he wished to be discharged, but by a parchment discharge; *French* 1096–1102——Contradiction of the evidence of Robert French as to the mode in which he was discharged, *Vokes* 1670–1679.

G.

German Legion. Hard usage of the Land Transport Corps as compared with the German Legion; the former were not highly paid in proportion to the work, *Williams* 1983–1993.

Glenie, George Richard. (Analysis of his Evidence.)—Served in the Land Transport Corps as superintendent at Horfield, and in the Crimea; nature of witness's enlistment and attestation 128–143——Terms of witness's enlistment; grounds on which he formed the opinion that he was engaged for five years, and statement that it was with this understanding that he enlisted, 144–147——Objection made by witness to being sworn in for ten years, which was necessary in order to avoid the Militia Act, 144–146——Mode in which witness was discharged; arrears due to witness, and nature thereof; evidence as to his refusal to accept his discharge; claim made by witness respecting the arrears due to him, and result, 148–180.

Corroboration of the opinions expressed by Mr. Austin in his evidence before the Committee, that Government have not fulfilled their contract as regards the enlistment; and that the men are discharged in an illegal manner, 181 *et seq.*——Reference to a statement made by witness to Mr. Frederick Peel, that he should expect his legal discharge and his pay; how far witness has ever applied for a parchment discharge, 185–192. 202–206——Evidence showing that all the men who went to Chatham got their parchment discharges, 192–196——It is only the artificers who have been told they may get them by applying at the Horse Guards, 197——Paper discharges were given at Bristol and Woolwich, 197–201——In many cases the officers have insisted on the men taking their paper discharges, 199–201.

Refusal of many of the men at Bristol to take the paper discharge; they were thrown after them after they were marched out of the gate, 207–220——Witness has never been refused employment in consequence of not having a paper discharge, 221–225——Witness's character is written "good" at the back of his protection paper, 226, 227.

[Second Examination.]—Evidence relative to the payment of John Bowen; reason why he was paid while in London, the protection paper having been given to him, 723–732——The difference between Bower's case and that of witness, and many others, was that Bowen had not signed the protection paper, 733–748.

[Third Examination.]—Further evidence as to witness's claim on the Government, amounting to 5*l.* 10*s.* 8*d.*, stopped from his daily pay, and 1*l.* 15*s.* for conducting money; nature of this latter claim, 1254–1259——Witness claimed this money at Horfield, and also at Chatham; amount out of it that he has received, 1260, 1261——Circumstances under which witness was placed under arrest for asserting his claim of 5*l.* 10*s.* 8*d.*, with evidence as to the reason for his foregoing it, 1262–1314——Witness considers he is entitled to the sum of 1*l.* 15*s.* for conducting money, and also to 11*s.*

for

Report, 1857—*continued.*

Glenie, George Richard. (Analysis of his Evidence)—*continued.*

for field allowance; how far witness has applied for these sums, 1315-1318——There was some back pay due to witness, amounting to about 8 *l.*, which he has got; mode in which he got it, 1319, 1320.

[Fourth Examination.]—Evidence contradicting the assertion made by witness in his former evidence that the receipts purporting to be written by him and produced by Mr. Sewell were forgeries; there is only one out of the nine about which witness has any doubt, 1479-1515——Witness now admits that they were signed by him and given to Lieutenant Sewell, 1516——Witness still maintains that he has a claim upon the Government, 1516-1518.

[Fifth Examination.]—Witness, while at Horfield, made application for a parchment discharge; reference to the statement made by the brigade major (Major Shervinton) that it was not necessary, 1522-1524.

[Sixth Examination.]—Witness considers that the 5 *l.* and odd is still owing to him 1526——The letter from him (*produced*), withdrawing the claim, was signed under coercion, 1527-1529.

GLENIE, SERJEANT:

1. *Particulars of a false Claim for Arrears made by Serjeant Glenie.*
2. *Investigation respecting this Claim, and Result.*
3. *Papers laid before the Committee.*

1. *Particulars of a false Claim for Arrears made by Serjeant Glenie:*

Evidence as to witness's claim on the Government, amounting to 5 *l.* 10 *s.* 8 *d.* stopped from his daily pay, and 1 *l.* 15 *s.* for conducting money; nature of this latter claim, *Glenie* 148-180. 1254-1259——Witness claimed this money at Horfield and also at Chatham; amount out of it that he has received, *ib.* 1260, 1261——There was some back pay due to witness, amounting to about 8 *l.*, which he has got; mode in which he got it, *ib.* 1319, 1320——Witness still maintains that he has a claim upon the Government, *ib.* 1516-1518. 1526——Witness has no recollection of Glenie having made any claim in the Crimea, *M'Murdo* 1519-1521——Evidence showing that instead of Serjeant Glenie having any claim against the Government, there was a claim against him, *Evans* 1546-1548.

2. *Investigation respecting this Claim, and Result:*

Circumstances under which witness was placed under arrest for asserting his claim of 5 *l.* 10 *s.* 8 *d.*, with evidence as to the reason of his foregoing the claim, and getting released, *Glenie* 1262-1314——Statement that if, as asserted by Mr. Sewell, there are any receipts in existence to the amount of 51 *l.*, purporting to be signed by witness, they are forgeries, *ib.* 1295-1302——Evidence in detail relative to the proceedings in Glenie's case; grounds on which witness at once formed the opinion, when they were laid before him, that there was matter for a conviction before a court martial, *M'Murdo* 1353. 1379-1422——Evidence contradicting the assertion made by witness in his former evidence, that the receipts purporting to be written by him, and produced by Mr. Sewell, were forgeries; there is only one out of the nine about which witness has now any doubt, *Glenie* 1479-1815——Witness now admits that they were signed by him, and given to Lieutenant Sewell, *ib* 1516.

The letter from witness (*produced*) withdrawing the claim, was signed under coercion, *Glenie* 1527-1529——Statement relative to the court of inquiry assembled at Horfield to inquire into Glenie's alleged claim of 5 *l.* 10 *s.* 7 *d.*, *M'Murdo* 1324——Witness had power from the commanding officer to release Glenie, *ib.* 1525——Witness was president of the court of inquiry on Serjeant Glenie; witness investigated the claim, and found Serjeant Glenie had made a claim which he had no right in justice to prefer; particulars relative to this investigation, *Shervington* 1793-1822.

3. *Papers laid before the Committee:*

Document signed W. E. Evans, Assistant Director-general, and dated Horfield Barracks, 27 June 1857, to the effect that the only valid claim put forward by Serjeant Glenie is one for 22 days' field allowance, *Ev. p.* 100, and *App. p.* 104——Proceedings of a court of inquiry held at Horfield Barracks on the 27th October 1856, by order of Colonel M'Murdo, *App. p.* 101, 102——Charge brought against Serjeant Glenie of having fraudulently endeavoured to establish a claim of 5 *l.* 10 *s.* 7 *d.* against Lieutenant Sewell, *ib.* 103——Memoranda in regard to suspending the prosecution of Serjeant Glenie's case, he having admitted the error of his claim against Lieutenant Sewell, *ib.* 104——Correspondence in March 1857 between Colonel M'Murdo and the Military Secretary at the Horse Guards, with reference to the claims again put forward by Serjeant Glenie, and the service of a writ upon Colonel M'Murdo, *ib.* 104, 105——Receipts of Serjeant Glenie for sundry sums received by him from Lieutenant Sewell in May and June 1855, *ib.* 106, 107.

Report, 1857—*continued*.

Gratuities. Complaints that the men have been discharged without a gratuity; nature and amount of the gratity asked for by the men, *Austin* 4——Reply of Colonel M'Murdo in his answer to the memorial, that as regards the gratuity demanded, Lord Panmure is of opinion that no ground exists for granting it, *ib.* 5.——*See* also *Bounty.*

Grievances. See *Committee of the Corps.*

H.

Hardinge, Lord. The orders for the discharge of the Land Transport Corps were given by Lord Hardinge, through witness, to Captain Vokes, *Sir G. A. Wetherall* 2347, 2348. 2355, 2356——Lord Hardinge, in the first instance, received orders from Lord Panmure to discharge the corps as fast as it arrived from the Crimea, *ib.* 2349–2354. 2479–2481.

Horse Guards. Witness has never applied at the Horse Guards to receive his discharge, *Austin* 117. 121–124——Witness has to complain of thirteen testimonial letters forwarded by him to the Horse Guards having been kept back from him, *O'Neil* 763. 803–808. 850–868.

See also *Artificers. Commander-in-Chief. M'Murdo, Colonel.*

Howard, Serjeant. Serjeant Howard, pay-serjeant of witness's battalion, wanted his discharge, but could not get it for some time, *Williams* 2016–2022.

Huchins, John. (Analysis of his Evidence)—Served as driver in the corps in the Crimea, 2115–2118——Enlisted in London, in April 1855; had previously some knowledge of horses, 2119–2125——Understood that he enlisted for five years certain, and therefore objected to his discharge at Horfield; grounds for this understanding, 2126–2153——Objected to receive a proper certificate, and has since suffered inconvenience, through not having a parchment discharge, 2151–2162.

Circumstances under which witness was a prisoner at the time of his discharge, 2163–2173. 2179. 2227, 2228——Witness was invalided home, and was discharged in June 1856; 2174–2178——On being discharged, witness made a claim for 10*s.* and odd, on account of stoppages from his pay when in Scutari hospital; he has since applied for this amount, but without effect, 2180–2190——He also considers that he is still in the service, and that he has a claim up to the expiration of five years, 2195, 2196——He has now got employment at 18*s.* a week, 2197–2199.

Witness had to pay for his breakfast mess, which he considered was part of his rations, 2201–2203——He had also to pay over 2*l.* for his clothing, &c., though he understood he was to have it free, 2201. 2204–2219——On being discharged at Bristol, witness and several others were marched as prisoners to the railway station, and received their money in the carriages, 2220–2226.

[Second Examination.]—With regard to the paper providing, among other things, that deductions shall be made for the necessaries of each recruit, witness did not hear the part in question read to him when he enlisted, 2238–2243.

I.

Investigation of Claims. See *Claims for Arrears*, 3. *Glenie, Sergeant*, 2.

Ireland. See *Enlistment. Terms of Stoppages.*

K.

Kit. Reduction made from the amount of witness's bounty money to pay for the kit. *Burgoyne* 459–463. 466–470.

See also *Bounty. Discharge of the Men*, 2. *Stoppages.*

M.

M'Murdo, Colonel Montague. (Analysis of his Evidence.)—Statement relative to the Court of Inquiry assembled at Horfield to inquire into Glennie's alleged claim of 5*l.* 10*s.* 7*d.*, 1324——Explanation relative to the instructions given by witness in August, on his finding the Land Transport Corps being rapidly discharged without their claims being settled, 1324——Evidence as to his ordering the several battalions to Horfield, and Boards of Officers to be held in each battalion to investigate and settle the claims of the men whom they were discharging; resolution come to by a Board of Officers, that the claim of Serjeant Glenie was inadmissable, and that he had already received more than he was entitled to, 1324.

M'Murdo, Colonel Montague. (Analysis of his Evidence)—*continued.*

After the end of August, the usual Boards, prescribed by the regulations, were not held upon the discharge of the men, 1330, 1331——When witness arrived in this country, he found the men were being discharged in an irregular manner; steps taken by witness in consequence, 1331 *et seq.*——Instructions given by witness that every exertion should be made to settle the men's accounts as well as they could be settled under the existing circumstances, 1333, 1334——Remonstrance made by witness with Mr. Peel about the manner in which the men were discharged; result of this remonstrance, 1335–1341——The irregularity consisted in there being no Board, and the men not receiving a parchment discharge, 1342–1345.

Witness ordered parchment certificates to be prepared, and took them to the Adjutant-general, and asked permission to give them to the men, 1344. 1347–1349. 1354——Witness was told that the protecting certificate was to be the only document of discharge, 1344, 1345. 1347–1352. 1354–1359. 1366–1372——Evidence in detail relative to the proceedings in Glenie's case; grounds on which witness at once formed the opinion, when they were laid before him, that there was matter for a conviction before a Court-martial, 1353. 1379–1422——Reference to the orders that were issued from the Secretary at War to the effect that the men were to be dismissed in a manner differing from the regulations, 1360–1378.

Witness is not aware that there was any dissatisfaction in the corps in consequence of the men having been discharged before the five years; few men objected to their discharge, 1423——The evidence given by several witnesses, that they never for a moment supposed they were not engaged for the full term of five years, is quite false, 1423–1430. 1458–1460——Witness has always considered that the men were discharged in a highly irregular manner, 1431——Witness is inclined to believe the statement that the paper discharge was thrown after the men who refused to receive it, 1432–1434——Witness considere the men fully discharged who have these papers, 1435–1438. 1461–1463——The claims of the men are still constantly coming in, 1439–1447.

Evidence as to the mode in which these claims are investigated, 1448–1457——Opinion that from the moment the men received the certificate, or protection paper, they could have no after claim upon the Government, 1461–1463——Reasons why the claim of a man named Bowen was allowed after he had been discharged and remained in London for ninety-nine days, 1464–1471——Every exertion was made to get the claims sent in, and to get them settled as quickly as possible, 1472–1476——Evidence relative to the system pursued with respect to the clothing of the men, 1477, 1478.

[Second Examination.]—Has no recollection of Glenie having made any claim in the Crimea, 1519–1521.

[Third Examination.]—Witness had power from the commanding officer of the district to release Glenie, 1525.

[Fourth Examination.]—The 1*l.* given at the time of the discharge of the men, was given to take them home; by an order from the Secretary at War they were to have this and the railway warrant to take them home, 1532–1534——Largest number of the Land Transport Corps present at any time in the Crimea; number employed at the fall of Sebastopol, 1535–1543——How far witness has been able to ascertain whether the discharges were thrown after the men at Portsmouth or not, 1544.

[Fifth Examination.]—Correction of former evidence with respect to the number of men attached to the Land Transport Corps in the Crimea at the end of the war, 1760, 1761.

M'Murdo Colonel. Colonel M'Murdo's own hand-book stated that the men should receive a parchment discharge, *Williams* 1918–1921——Colonel M'Murdo applied for permission to issue parchment discharges, and did issue about 2,000, *Sir G. A. Wetherall* 2397. 2418. 2424, 2425——As regards the book of instructions prepared by Colonel M'Murdo, it had no official authority from the Horse Guards, *ib.* 2432–2440.

See also *Committee of the Corps.*

Memorials. See *Committee of the Corps.*

Mortality. Statements as to the mortality in the Crimea, in the first and second levy; the mortality of the corps generally has been much exaggerated, *Warner* 2029–2059——On the average there were not more than 40 deaths in the corps monthly, the total strength of the corps having been 8,500, *ib.* 2035–2058.

N.

Necessaries. See *Bounty. Stoppages.*

O.

O'Neill James. (Analysis of his Evidence.)—Enlisted in the Land Transport Corps as a first-class driver, but did not go to the Crimea; was retained with three or four others, and kept at the depôt; was the orderly-room clerk, and post-office orderly, 752-762——Witness has to complain of 13 testimonial letters forwarded by him to the Horse Guards, having been kept back from him, 763. 803-808. 850-868——Was discharged in November last, and was paid up to that day, and has given a receipt in full of all demands; particulars relative to a claim witness has since sent in, amounting to 24*l.* 3*s*; 764, 765. 770-784——Did not receive a parchment discharge; did not ask for one, as none were issued; what witness has received is not a discharge at all, 766-769. 785, 786.

Statement showing that witness's claim for 24*l.* 3*s.* was for doing duty as post-office orderly; the same having been allowed to another corporal in the same position; steps witness took to obtain this sum, 773-784. 787. 869-882 *et seq.*—Application made by witness to the Horse Guards on the subject, reply by them through Colonel M'Murdo that the claim could not be entertained; the duties of post-office orderly being very trifling, 787-855. 871-879——Witness received merely corporal's pay, and makes his claim for doing the duty of post-office orderly, 880-882.

Orderly Room Clerks. Grounds on which witness forms the opinion that he was entitled to extra pay as clerk in the orderly-room, *Burdus* 1026-1031.

See also *Post-office Orderlies.*

P.

Panmure, Lord. See *Hardinge, Lord.*

Paper Discharges. Regret expressed by the Committee at the substitution of paper for parchment discharges, *Rep. p.* iii.——The usual parchment discharge should, on application, be substituted for the protecting certificate, *ib.* iv.——Paper discharges were given at Bristol and at Woolwich, *Glenie* 197-201——In many cases the officers have insisted on the men taking these paper discharges, *ib.* 199-201——Refusal of many of the men at Bristol to take the paper discharge; they were thrown after them after they were marched out of the gate, *Glenie* 207-220; *Burdus* 515-526. 1009-1114; *Warner* 2078-2082. 2108-2114.

Witness objected to the paper discharge; it was put into his hand, and he refused to take it, *Braby* 966-970——Witness was discharged by Captain Vokes; got only a paper discharge, which has since been detained by Mr. Reeve, pay-serjeant in the Belvidere-road, *William Bird* 1179-1182. 1208. 1250-1253——Witness is inclined to believe the statement that the paper discharge was thrown after the men who refused to receive it, *M'Murdo* 1432-1434. 1544——Witness considers the men fully discharged who have these papers, *ib.* 1435-1438. 1461-1463.

The first complaint that witness heard with reference to the difference between the paper certificate and the parchment discharge, came from London, *Evans* 1594-1607——Witness has heard that opportunity has been given to exchange the paper certificates for parchment discharges, *Williams* 2014, 2015——When being discharged witness objected to a paper certificate instead of a parchment discharge, *Sullivan* 2329-2344——In regard to parchment discharges, there was no complaint from the great body of the artificers at having received paper certificates, *Sir G. A. Wetherall* 2397. 2417. 2422, 2423.

See also *Discharge of the Men,* 1. *Employment. Parchment Discharges. Protecting Certificate.*

PARCHMENT DISCHARGES:

1. *General opinion of the Men that they ought to have had Parchment Discharges.*
2. *Result of Applications for them.*
3. *Recommendation that Parchment Discharges should be substituted for the Paper Discharges.*

1. *General opinion of the Men that they ought to have had Parchment Discharges:*

Grounds on which witness forms the opinion that his discharge has not been legal; manner in which he was discharged; opinion that the document he received, called a "protecting certificate," was not a valid document, and that he should have had a parchment discharge, and for which he has applied, *Austin* 27-49. 59. 71-85. 95-105——Reference to a statement made by witness to Mr. Frederick Peel, that he should expect his legal discharge and his pay; how far witness has ever applied for a parchment discharge,

Report, 1857—*continued.*

Parchment Discharges—continued.

1. *General opinion of the Men that they ought to have, &c.*—continued.

discharge, *Glenie* 185–192. 202–206——Has not received a parchment discharge; has received a protection paper, as it is termed; refused to sign this document; periods of witness's enlistment and discharge, *Riordan* 230–235.

Witness was on the strength of the corps up to January 1857 without being enlisted; opinion that this circumstance proves he had not a legal discharge, and that he is still not a discharged man at all, *Bowen* 618–628——Did not receive a parchment discharge; did not ask for one, as none were issued; what witness has received is not a discharge at all, *O'Neill* 766–769. 785, 786——Advantages of the parchment discharge over the protection certificate, *Williams* 1907–1922. 1931–1936. 1987. 1999–2006——Objection raised by the men at Horfield to the non-receipt of a parchment discharge, *Warner* 2083, 2084.

2. *Result of Applications for them:*

Evidence showing that all the men who went to Chatham got their parchment discharges, *Glenie* 192–196——After the memorial to the War Office, it was thought best to leave the question of the legality of a parchment discharge, an open question, so that no personal applications have been made for it since that period, *Riordan* 291–302——Witness has never applied for a parchment discharge, *Welsh* 363——Witness has not got a parchment discharge, *Burgoyne* 464, 465.

Witness has got no regular parchment discharge, *Bowen* 598——Witness has asked for a parchment discharge, and has been refused, *ib.* 640–656. 661–674. 681–696——Witness, while at Horfield, made application for a parchment discharge; reference to the statement made by the Brigade-major (Major Shervinton), that it was not necessary, *Glenie* 1522–1524——Belief that applications for parchment discharges were made to Captain Vokes, *Williams* 1913. 1929–1936——Refusal of the men to receive the parchment discharges unless dated on the day of their receipt, though this was about nine months after their actual discharge, *Sir G. A. Wetherall* 2425–2427.

3. *Recommendation that Parchment Discharges should be substituted for the Paper Discharges:*

The usual parchment discharge should, on application, be substituted for the protecting certificate, *Rep. p.* iv——Small number of men who have received parchment discharges in the usual form, *Evans* 1608–1611——Neither at Portsmouth nor at Woolwich did the men object to their discharges because they were not on parchment, *Vokes* 1622–1627. 1633–1645. 1692.

See also *Artificers. Bowen, Mr. Character, Certificate of. Committee of the Corps. Discharge of the Men. French, Mr. M'Murdo, Colonel Paper Discharges. Protecting Certificate. Regimental Boards.*

Pay. Pay received by witness in the Crimea, *Burgoyne* 488, 489——Witness was present when many of the men were discharged, *Burdus* 513——Some of them received part of their pay, *ib.* 514——Witness enlisted in the Land Transport Corps as a first-class driver, on the 7th May 1855, returned to England on the 18th June 1856, landed at Portsmouth, *Bowen* 528–532——Statement made by witness that at this period he had received nothing from the Government, *ib.* 533, 534——Official notification as to the rates of pay, *App. p.* 108.

See also *Arrears. Artificers. Bounty. Claims for Arrears. Glenie, Serjeant. Orderly Room Clerks. Post-Office Orderlies. Stoppages.*

Peel, Mr. Frederick. Remonstrances made by witness with Mr. Peel about the manner in which the men were discharged; result of this remonstrance, *M'Murdo* 1335–1341.

See also *Parchment Discharges*, 1.

Pensions. See *Record of Services.*

Period of Service. See *Terms of Service.*

Post-Office Orderlies. Witness enlisted in the Land Transport Corps as a first-class driver, but did not go to the Crimea; was retained with three or four others, and kept at the depôt; was the orderly-room clerk and post-office orderly, *O'Neill* 752–762——Statement showing that witness's claim for 24 *l.* 3 *s.* was for doing duty as post-office orderly; the same having been allowed to another corporal in the same position; steps taken by witness to obtain this sum, *ib.* 773–784. 787 *et seq.* 869–882——Application made by witness to the Horse Guards on the subject; reply by them through Colonel M'Murdo that the claim could not be entertained, the duties of post-office orderly being very trifling, *ib.* 787–855. 871–879——Witness merely received corporal's pay, and makes his claim for doing the duty of post-office orderly, *ib.* 880–882.

Prisoners. See *Discharge of the Men*, 1.

Report, 1857—*continued.*

Proclamation. Witness puts in the proclamation that was published with reference to the enlistment of the men, together with the proclamation issued for the purpose of notifying to the men that they should have their claims discharged upon application, with other papers, *Vokes* 1686.

Protecting Certificate. Statement of Colonel M'Murdo that the document directed to be used on the discharge of the men, termed a "protecting certificate," is a legal and valid document, *Austin* 5——Witness got what is called a protection paper, *Bowen* 546–551——Witness received written instructions from the Adjutant-general to discharge the men with protecting certificates, *Vokes* 1617–1621——Witness does not remember that any of the men complained that the protection paper was not sufficient or legal, *ib.* 1675——Witness ordered parchment certificates to be prepared, and took them to the Adjutant-general and asked permission to give them to the men, *M'Murdo* 1344. 1347-1349. 1354——Witness was told that the protecting certificate was to be the only document of discharge, *ib.* 1344, 1345. 1347–1352. 1354–1359. 1366–1372.

Witness on discharge got merely a protection paper, *Dherman* 1849. 1871–1873——Comment on the circumstance of the men having received, on discharge, a protection paper instead of the parchment discharge to which they were entitled, *Williams* 1907–1922. 1931–1936. 1987. 1999-2006——Practice in the army of giving merely protection papers in some cases of desertion, &c., where the men are not retained in the service, *Sir G. A. Wetherall* 2441, 2442.

See also *Bowen, Mr.* *Character.* *Certificate of Claims for Arrears.* *Employment.* *Paper Discharges.* *Parchment Discharges.*

Q.

Queen's Bounty. See *Bounty.*

R.

Rates of Pay. See *Pay.*

Rations. Official notification that rations are to be free, *App. p.* 108.

See also *Bounty.* *Clothing and Rations.*

Record of Services. The men having no claims to pensions no record of services was necessary, *Sir G. A. Wetherall* 2356. 2370–2380. 2392. 2399, 2400.

Recruits. Reference to a complaint made by the Commander-in Chief, in August 1855, in regard to recruits for the Land Transport Corps, the Medical Staff, &c., not being enlisted in the ordinary way, *Sir G. A. Wetherall* 2412. 2416.

See also *Attestation of Recruits.* *Formation of the Corps.*

Reduction of the Corps. See *Disbandment of the Corps.*

Re-Enlistment. Irregularity and illegality in taking back without re-enlistment any men who had been discharged, *Sir G. A. Wetherall* 2446–2463.

Regimental Boards. Regret expressed by the Committee in regard to the omission of Regimental Board, *Rep. p.* iii——Evidence as to witness ordering the several battalions to Horfield, and Boards of Officers to be held in each battalion, to investigate and settle the claims of the men whom they were discharging; resolution come to by a Board of Officers, that the claim of Serjeant Glenie was inadmissable, and that he had already received more than he was entitled to, *M'Murdo* 1324——After the end of August the usual Boards, prescribed by regulations, were not held upon the discharge of the men, *ib.* 1330, 13331——Irregularity of there being no Board, and the men not receiving a parchment discharge, *ib.* 1342–1345.

Discharge of the men without the sitting of Regimental Boards; and with their claims unsettled, *Williams* 1911. 1915–1917. 1987–1990——Grounds on which it was considered advisable to disband the corps, without assembling Regimental Boards, *Sir G. A. Wetherall* 2356 *et seq.*——How far the fact of the men not having been duly enlisted as soldiers afforded reason for dispensing with military Boards in the matter of the discharge, *ib.* 2384–2409.

Riordan, John. (Analysis of his Evidence.)—Enlisted as a private in the Land Transport Corps; was latterly a serjeant, 229——Has not received a parchment discharge; has received a protecting paper, as it is termed; refusal to sign this document; period of witness's enlistment and discharge, 230–235——Cases in which witness states he has been refused employment in consequence of his not having a proper discharge, 236 *et seq.*——Particulars relative to his applying to Messrs. Bretlle's, in Wood-street, Cheapside, and also to Pickford's, 236–244. 246–248. 254, 255. 282–290——Witness has no arrears of pay due to him, but claims a sovereign he was charged for a pair of trousers; particulars of this claim, 245. 249–253. 303–312.

Grounds

Report, 1857—*continued.*

Riordan, John. (Analysis of his Evidence)—*continued.*

Grounds on which witness forms the opinion that he was enlisted for five years, 257–276——Particulars relative to witness having been refused employment at the Great Northern Railway, 277–281——After the memorial to the War Office it was thought best to leave the question of the legal or parchment discharge an open question, so that no personal applications have been made for it since that period, 291–302.

Rules and Regulations. See *Discharge of the Men,* 1. 2.

S.

Settlement of Claims. See *Claims for Arrears.*

Secretary of State for War. See *Formation of the Corps.*

Sewell, Mr. See *Glenie, Serjeant,* 2. 3.

Shervinton, Major Charles Robert. (Analysis of his Evidence.)—Was acting major in the Land Transport Corps, 1788, 1789——Had nothing to do with the discharging of the men, 1790–1792——Was president of the Court of Inquiry on Serjeant Glenie; witness investigated the claim and found Serjeant Glenie had made a claim which he had no right in justice to prefer; particulars relative to this investigation, 1793–1822.

Stevens, William. (Analysis of his Evidence.)—Served in the Crimea as a private in the Land Transport Corps, 313, 314——Was discharged on the 12th August 1856; did not receive a parchment discharge, but only a paper certificate; was told he must send to Bristol for his character, and was to have had it on parchment, 315–322——Has got no employment in consequence of the want of character, and has been out of employment twelve months; evidence in support of this assertion, 322.

Stoppages. Complaint that just before witness came home from the Crimea he was charged 2 *s.* 6 *d.* for a water-bottle, and 1 *s.* 8 *d.* for a haversack, *Burgoyne* 501, 502. 506–509——At the period of witness's discharge he was under stoppage for having been absent without leave, and there was a balance due against him of 19 *s.* 7 *d.*, *Braby* 952–965. 971–978——On being discharged witness made a claim for 10 *s.* and odd on account of stoppages from his pay when in Scutari hospital; he has since applied for this amount, but without effect, *Huchins* 2180–2190——With regard to the paper providing, among other things, that deductions shall be made for the necessaries of each recruit, witness did not hear the part in question read to him when he enlisted, *ib.* 2238–2243.

Witness states that, when enlisting in Ireland, he took particular pains to explain to the men that they should have to pay for their kit and necessaries, *Vokes* 2229–2237——Witness complains of the deduction from the pay on account of his knapsack, *Sullivan* 2250–2260——Understood, when enlisting, that there was to be a deduction for certain necessaries, but for nothing else, *ib.* 2252–2259. 2268, 2269.

See also *Glenie, Serjeant,* 1.

Strength of the Corps. Largest number of the Land Transport Corps present at any time in the Crimea; number employed at the fall of Sebastopol, *M'Murdo* 1535–1543——Correction of former evidence with respect to the number of men attached to the Land Transport Corps in the Crimea at the end of the war, *ib.* 1760, 1761.

See also *Mortality.*

Sullivan, John Thomas. (Analysis of his Evidence.)—Enlisted as driver in the corps in London on the 16th February 1855; 2244–2248——Had previously had the superintendence of horses, 2249——Complains of the deduction from the pay on account of the knapsack, 2250–2260——Understood, when enlisting, that there was to be a deduction for certain necessaries, but for nothing else, 2252–2259. 2268, 2269.

Claim put forward by witness for compensation for a pair of trousers paid for by himself in 1855; 2270–2283——Further claim put forward for 1 *l.* 5 *s.*, which accrued when witness was in Abydos hospital; examination hereon as to witness having, in February 1856, signed a statement that 1 *l.* 5 *s.* was due from him, 2281 *et seq.*——Witness came home and was discharged in August 1856; 2286. 2323——When being discharged, witness objected to a paper certificate instead of a parchment discharge, 2329–2334.

T.

Term of Service:

1. *Allegation of many of the Men that they believed they were Enlisted for Five Years certain.*
2. *Statement that this alleged Belief was an afterthought.*
3. *Opinion as to the Discharge of the Corps being no Violation of the Terms of Enlistment.*

Report, 1857—*continued.*

Term of Service—continued.

1. *Allegation of many of the Men that they believed they were Enlisted for Five Years certain:*

Witness, and most of the men who enlisted, interpreted from the Royal Warrant that they should be in service for five years, and could not claim their discharge under five years; objection of the men to be sworn in for ten years, for which term it was necessary they should be sworn in, *Austin* 13-26. 50-70——Objection made by witness to being sworn in for ten years, which was necessary in order to avoid the Militia Act, *Glenie*, 144-146——Grounds on which witness forms his opinion that he was enlisted for five years, *Riordan*, 257-276——When witness was enlisted he thought it was to be for five years certain, as he did not understand the term "Provided Her Majesty shall so long require your services," *Walter Bird*, 430-458.

When witness enlisted he was sworn in for ten years, but understood that he was enlisting for five years; was disappointed and astonished at being dismissed so suddenly, *Burgoyne* 486, 487. 504, 505——Witness made sure that he was enlisted for five years, or he would not have enlisted at all, *French* 1128-1133. 1169-1174——Witness objected to receive his discharge, as he was told he was to be kept in the service for five years; grounds on which he supposed he was engaged for five years, *William Bird* 1188-1200. 1210-1234——Witness would not have enlisted but for this understanding, *ib.* 1201-1208.

Objection by several men to their being discharged before five years' service, *Warner* 2085, 2101——Witness understood that he enlisted for five years certain, and therefore objected to his discharge at Horfield; grounds of his so understanding it, *Huchins* 2126-2153——Considers that he is still in the service, and that he has a claim up to the expiration of five years, *ib.* 2195, 2196.

2. *Statement that this alleged Belief was an afterthought:*

The evidence given by several witnesses that they never for a moment supposed they were not engaged for the full term of five years, is quite false, *M'Murdo* 1423-1430. 1458-1460——The supposition that the men were engaged for a period of five years certain is a complete afterthought, *Evans* 1612——Witness considers that this complaint was a mere afterthought, *Vokes* 1631——There is no foundation for the representation which has been made, that in some instances the magistrate represented that the men had a right to remain in the service for five years, *ib.* 1666, 1667——Impression of the men that they were enlisted for five years, *Williams* 1904. 1950, 1951——Instances of complaint by some men at being retained longer than they wished, *ib.* 1938-1945. 2016-2022.

3. *Opinion as to the Discharge of the Corps being no Violation of the Terms of Enlistment:*

Opinion expressed by the Committee that the discharge of the corps was not a violation of the terms of enlistment, *Rep. p.* iii——Witness is not aware that there was any dissatisfaction in the corps in consequence of the men having been discharged before the five years; few men objected to their discharge, *M'Murdo* 1423——While witness was present at the discharge of the men, he received no complaint as to their being discharged before the expiration of the five years, *Vokes* 1628-1632. 1646-1651——Official notification as to the term of service, *App. p.* 108.

See also *Attestation of Recruits.* *Enlistment.*

Terms of Enlistment. See *Enlistment.*

Travelling Expenses. The 1*l.* given at the time of the discharge of the men was given to take them home; by an order from the Secretary-at-War, they were to have this sum, and the railway warrant to take them home, *M'Murdo* 1532-1534.

V.

Vokes, Captain Thomas. (Analysis of his Evidence.)—Was employed by the Adjutant-general to go down to Portsmouth on the return of the Land Transport Corps from the Crimea, 1613-1615——Was sent down to discharge the men as they arrived, 1616——Received written instructions from the Adjutant-general to discharge the men with protecting certificates, 1617-1621——Neither at Portsmouth nor at Woolwich did the men object to them because they were not on parchment, 1622-1627. 1633-1645. 1692——Witness received no complaints at that time as to their being discharged before the expiration of the five years, 1628-1632. 1646-1651——Witness considers that this complaint was a mere afterthought, 1631.

Witness first heard the complaints about the parchment certificates at the same time that he heard that there was a committee of the men sitting, 1652——At the time of the discharge of the men, those whose claims were unsettled had the option of remaining if they chose till they were settled with, 1653-1661——Many stated they had

Report, 1857—*continued.*

Vokes, Captain Thomas. (Analysis of his Evidence)—*continued.*

had claims who, it was afterwards discovered, had no claims at all, 1659–1661——Witness was present at the enlisting and attestation of many of the men; the attestations were conducted in the usual way, 1662–1665. 1668, 1669.

There is no foundation for the representation which has been made, that in some instances the magistrate represented that the men had a right to remain in the service for five years, 1666, 1667——Contradiction of the evidence of Robert French as to the mode in which he was discharged, 1670–1679——Witness does not remember that any of the men complained that the protection paper was not sufficient or legal, 1675.

In every case, where application has been made, their character has been put on the protection paper; this was not done unless specially applied for, 1680–1685——Witness puts in the proclamation that was published with reference to the enlistment of the men, together with the proclamation issued for the purpose of notifying to the men that they should have their claims discharged upon application, and other papers, 1686.

[Second Examination.]—Witness states that when enlisting in Ireland he took particular pains to explain to the men that they should have to pay for their kit and necessaries, 2229–2237.

Vokes, Captain. It was considered that Captain Vokes, as being the person chiefly instrumental in raising the corps, was the fittest person to discharge them, *Sir G. A. Wetherall* 2355——Captain Vokes was directed to obtain the discharge documents or forms from the War Department, *ib.* 2355, 2356——Instructions were given to Captain Vokes that no man was to be discharged except at his own request, *ib.* 2356——The discharge, as given by Captain Vokes, was a final discharge, *ib.* 2444, 2445.

See also *Committee of the Corps.* *Hardinge, Lord.* *Paper Discharges.*

W.

Warner, Henry. (Analysis of his Evidence.)—Was superintendent in the corps; enlisted as a driver, 2023, 2024——Was chief orderly-room clerk at Horfield when the corps were in the Crimea, 2025–2027. 2102–2107——Statement as to the mortality in the Crimea in the first and second levy; the mortality of the corps generally has been much exaggerated, 2029–2059——Witness does not know the number of men discharged on return from the Crimea, 2060–2062.

Witness has been present at head-quarters at Bristol when the men have been attested, and has heard the attestation read by the magistrate, 2063–2072——Impression of witness on hearing the attestation that the men could claim to serve for the time mentioned, 2072–2077.

On witness's discharge he got a paper certificate, 2078–2082——Objection raised by the men at Horfield to the non-receipt of a parchment discharge, 2083, 2084——Objection by several men to their being discharged before five years' service, 2085–2101——Compulsory course adopted towards those men who declined to take a paper certificate, 2108–2114.

Welsh, Patrick. (Analysis of his Evidence.)—Was in the Land Transport Corps about eleven months; was in the second levy, and ought to have received 5 *l.* bounty, but has only received 2 *l.*; 342–347——Pay due to witness at the present time, and account on which due, 348–351——Witness has applied for it several times, and has got no answer; evidence in detail respecting these applications, 352–362. 364–373. 378–393——Witness has never applied for a parchment discharge, 363——Witness has never found any difficulty in obtaining a situation, 374–377.

Wetherall, Adjutant-general, Sir. G. A. (Analysis of his Evidence.)—The orders for the discharge of the Land Transport Corps were given by Lord Hardinge, through witness, to Captain Vokes, 2347, 2348. 2355, 2356——Lord Hardinge, in the first instance, received orders from Lord Panmure to discharge the corps as fast as it arrived from the Crimea, 2349–2354. 2479–2481——It was considered that Captain Vokes, as being the person chiefly instrumental in raising the corps, was the fittest person to discharge them, 2355.

Captain Vokes was directed to obtain the discharge documents or forms from the War Department, 2355, 2356——Grounds on which it was considered advisable to disband the corps, without assembling regimental Boards, 2356 *et seq.*——The men having no claims to pensions, no record of their services was necessary, 2356. 2370–2380. 2392. 2399, 2400——Instructions were given to Captain Vokes that no man was to be discharged, except at his own request, 2356——Disbandonment of the corps, notwithstanding that none were discharged who did not wish it, 2357–2371.

Anomalous character of the Land Transport Corps, inasmuch as for a considerable time the Commander-in-Chief had no cognizance of it, 2380, 2381. 2405. 2410–2416. 2465——Previous to the discharge of the men, the corps was, by special letter, placed under

Report, 1857—*continued.*

Wetherall, Adjutant-general, Sir G. A. (Analysis of his Evidence)—continued.

the orders of the Commander-in-Chief, 2382, 2383. 2412. 2416, 2464, 2465——How far the fact of the men not being duly enlisted as soldiers afforded reason for dispensing with military Boards in the matter of their discharge, 2384–2409.

In regard to parchment discharges, there was no complaint from the great body of the artificers at having received paper certificates, 2397. 2417, 2422, 2423——Colonel M'Murdo subsequently applied for permission to issue parchment discharges, and did issue about 2,000; 2397. 2418. 2424, 2425——Absence of communication from the Crimea with the Commander-in-Chief relative to the corps, 2405. 2415——Reference to a complaint made by the Commander-in-Chief in August 1855, in regard to recruits for the Land Transport Corps, the Medical Staff Corps, &c., not being enlisted in the ordinary way, 2412. 2416.

In July 1855, the Commander-in-Chief was told that the Land Transport Corps, the Medical Staff, &c., were not under the orders of the General Commanding-in-Chief; reference hereon to a previous letter in March 1855, to the effect that the Land Transport Corps was under his orders, 2416. 2466–2485——The complaint that, through want of parchment discharges, the men could not be employed at Woolwich, was found to be untrue, 2419–2421. 2430, 2431——Refusal of the men to receive the parchment discharges, unless dated on the day of their receipt, though that was about nine months after their actual discharge, 2425–2427.

As regards the book of instructions prepared by Colonel M'Murdo, it had no official authority from the Horse Guards, 2432–2440——Practice in the army to give merely protection papers in some cases of desertion, &c., where the men are not retained in the service, 2441–2443——The discharge, as given by Captain Vokes, was a final discharge, 2444, 2445——Irregularity and illegality in taking back, without re-enlistment, any men who had been discharged, 2446–2463——Irregularity of the proceedings adopted in the case of one of the corps who had been discharged, had been three months absent, and was nevertheless taken back on the strength of the regiment, without re-enlistment, and paid for the period of his absence, 2449–2463.

Williams, Captain, C. P. (Analysis of his Evidence.)—Commanded the second battalion of the corps in the Crimea, 1898. 1900, 1901——Landed at Portsmouth on the 6th August 1856; 1899——The men were paraded on board ship before disembarkation, and were asked if they wanted to be discharged, 1902, 1903——A wish to be discharged was not the general feeling of the men; there was great diversity of feeling and opinion on the subject, 1904. 1923–1930. 1937–1940. 1950, 1951. 1980.

Extremely hard work and very great privations which the corps underwent in the Crimea, almost without a complaint, 1904–1906. 1970–1973. 1980. 1991–1998——Natural feelings by which the men were actuated in wishing to leave the service, 1904——Impression of the men that they were enlisted for five years, 1904. 1937–1940. 1950, 1951.

Comment on the circumstance of the men having received, on discharge, a protection paper instead of the parchment discharge to which they were entitled; advantages of the latter over the former, 1907–1922. 1931–1936. 1987. 1999–2006——Discharge of the men without the sitting of regimental Boards, and with their claims unsettled, 1911. 1915–1917. 1987–1990——Belief that applications for parchment discharges were made to Captain Vokes, 1913. 1929–1936——Instances of complaint by some men at being retained longer than they wished, 1938–1945. 2016–2022.

Reference to the strong feeling in Horfield Barracks among the men enlisted in Ireland that the hopes held out to them by Captain Vokes on enlistment had not been fulfilled, and that the price of the kit should not have been taken out of the 5*l.* bounty, 1952–1969——Many of the men were enlisted without the reference to their fitness for the work, 1969. 1973. 1993–1996——Belief that the condition as to free clothing was not fulfilled, and that some compensation is due on this point, 1974–1979.

Hard usage of the Land Transport Corps as compared with the German Legion; the former were not highly paid in proportion to the work, 1983–1993——The discharges from the corps were looked upon as a reduction and not as a disbanding, 2007–2013——Witness has heard that opportunity has been given to exchange the paper certificates for parchment discharges, 2014, 2015.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

LAND TRANSPORT CORPS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
10 *July* 1857.

[*Price* 1 *s.* 6 *d.*]

172—Sess. 2.

Under 20 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

APPOINTED TO PREPARE

MILITIA ESTIMATES,

FOR THE YEAR ENDING

31 March 1858.

Ordered, by The House of Commons, *to be Printed,*
22 *July* 1857.

ESTIMATES:—DISEMBODIED MILITIA.

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA, from 1st April 1857 to 31st March 1858, both Days inclusive.

Numbers, 1857–58.		ESTIMATE to 31 March 1858, 365 Days.	ESTIMATE to 31 March 1857. Nos.	ESTIMATE to 31 March 1857. Charge.
	Charge for Arrears of Embodied Pay to be issued in 1857, as per Statement, No. I.	£. s. d. 5,000 – –		£. s. d.
14,064	Charge for Raising and Training the Militia, including the Pay and Allowances of the Permanent Staff – as per Statement, No. II.	394,400 – –	15,942	176,350 – –
503	Charge of Retired Allowances to Officers – – – ditto, No. III.	27,500 – –	504	27,600 – –
31	Charge of Retired Allowances to Local Militia Adjutants – ditto, No. IV.	2,100 – –	37	2,600 – –
1,534	Charge of Out-Pensioners of Militia and Local Militia – ditto, No. V.	21,000 – –	1,605	22,400 – –
16,132	Numbers, 1857–58. To be provided for 1857–58 – £.	450,000 – –		
	Numbers and Charge, 1856–57 –		18,088	228,950 – –

No. I.—Charge of Unissued Embodied Pay for the interval from the date of Warrant, ordering the Embodiment to the date of actual assembly; probable Amount – – £.5,000

Numbers, 1857–58.	No. II.—Detail of the Charge for Raising and Training the Militia, including the Permanent Staff:	ESTIMATE, 1857–58. £. s. d.	£. s. d.	ESTIMATE, 1856–57. Nos.	Charge. £. s. d.
	Raising and Training:				
	Bounty: On Enrolment and Attestation of 31,784 Men, at 18*s.* 6*d.* each	29,400 4 –			
	Bounty payable at the termination of the Training and Exercise of 9,033 Men, at 1*l.* 1*s.* each	9,484 13 –			
	Bounty payable to Volunteers enrolled in 1852–53, still effective, whose period of service will expire in the year 1857–58 – £.13,643 11 8				
	And Annual Bounty to Volunteers whose Regiments are not to be trained in 1857–58 – £.50,000 – –	63,643 11 8			
		102,528 8 8			
	Deduct for Men not Enrolled, and Absentees – –	2,528 8 8			
	Total for Bounty – – –	– – –	99,000 – –	– –	29,000 – –
	Pay and Allowances of Officers, Non-commissioned Officers and Men:	£. s. d.	£. s. d.		
1	Colonel – at 1 2 6 per diem –	1 2 –	– – –	– – –	2
13	Lieut.-Colonels „ – 15 11 each „ –	10 6 11	– – –	– – –	15
14	Majors – „ – 14 1 „ –	9 17 2	– – –	– – –	16
90	Captains – „ – 10 6 „ –	47 5 –	– – –	– – –	106
90	Lieutenants – „ – 6 6 „ –	29 5 –	– – –	– – –	106
90	Ensigns – „ – 5 3 „ –	23 12 6	– – –	– – –	106
324 Officers.	Adjutants – „ – – 6 {8*s.* on permanent Staff –}		– – –	– – –	14
	Ditto (Artillery) „ – – 6 9*s.* on ditto –		– – –	– – –	4
17	Surgeons – „ – 11 4 each per diem –	9 12 8	– – –	– – –	20
5	Assistant Surgeons „ – 7 6 „ –	1 17 6	– – –	– – –	6
	Quartermasters „ – 3 – {3*s.* 6*d.* on permanent Staff}		– – –	– – –	5 {(at 6*s.* 6*d.* each.)
4	Ditto – – „ – 1 6 5*s.* on ditto –	– 6 –			
13	Serjeant-majors „ – – 2¾ 1*s.* 10*d.* on ditto –	2 11¼	– – –	– – –	15
3	Ditto (Artillery) „ – – 6 3*s.* on ditto –	– 1 6	– – –	– – –	4
162	Serjeants – „ – – 4¾ 1*s.* 6*d.* on ditto –	– 10 1½	– – –	– – –	182
20	Ditto – – „ – – 4¾ 1*s.* 8*d.* on ditto –	– 7 11	– – –	– – –	22
18	Ditto (Artillery) „ – – 4 2*s.* 2*d.* on ditto –	– 6 –	– – –	– – –	30
3	Ditto ditto „ – – 4 2*s.* on ditto –	– 1 –	– – –	– – –	6
98	Ditto – „ – 1 6¾ each per diem –	7 13 1½	– – –	– – –	116
8	Ditto (Artillery) „ – 2 6 „ –	1 – –	– – –	– – –	14
260	Corporals – „ – 1 2¼ „ –	15 8 9	– – –	– – –	298
26	Ditto (Artillery) „ – 1 4¼ „ –	1 15 2½	– – –	– – –	44
81	Drummers – „ – – 1 {1*s.* on permanent Staff –}	– 6 9	– – –	– – –	91
9	Ditto (Artillery) „ – – 3 „ –	– 2 3	– – –	– – –	15
7,853	Privates – „ – 1 – each per diem	392 13 –	– – –	– – –	9,012
788	Ditto (Artillery) „ – 1 2 „	45 19 4	– – –	– – –	1,343
9,342 Non-commissioned Officers and Men.	Per diem – £. 599 13 2¼				
	Which, for 21 Days, is –	12,592 16 11¼			
	Add for Training (Extra) certain Regiments – – –	2,798 8 2½			
		15,391 5 1¾			
	Deduct for vacant Pay of Officers, Non-commissioned Officers, and Men not enrolled or absent – – – –	2,391 5 1¾			
			13,000 – –	– –	16,000 – –
9,666	Numbers. Total for Bounty and Pay – – Carried forward – – £.		112,000 – –	11,593	45,000 – –

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA, &c.—*continued.*

Numbers, 1857–58.		ESTIMATE, 1857–58. £. s. d.	£. s. d.	ESTIMATE, 1856–57. Nos.	Charge. £. s. d.
9,666	Brought forward	- - -	112,000 - -	11,593	45,000 - -
	Allowances to and Expenses of Adjutants, Surgeons and Non-commissioned Officers employed on the duty of enrolling Volunteers, including the hire of rooms for enrolment and examination when necessary	7,000 - -	- - -	- -	500 - -
	Allowance to Commanding Officers	60 - -	- - -	- -	80 - -
	Contingent Allowance to Captains of Companies	220 - -	- - -	- -	250 - -
	Allowance to Adjutants as Acting Paymasters and Quartermasters during the period of training	110 - -	- - -	- -	100 - -
	Beer-money for Non-commissioned Officers and Men	670 - -	- - -	- -	850 - -
	Travelling Allowances to and from the place of assembly for ditto, at 3 *s.* each	1,350 - -	- - -	- -	1,100 - -
	Innkeepers' Allowance for ditto, at 1½ *d.* a day each, for 21 days	1,000 - -	- - -	- -	1,000 - -
	Conveyance of Officers to and from the place of assembly for Training, including Carriage of Baggage	120 - -	- - -	- -	300 - -
	Forage Allowance for Horses of Field Officers and Surgeons	110 - -	- - -	- -	150 - -
	Allowance to Surgeon for Medicines; £.1. 1. for every 100 effective Rank and File	70 - -	- - -	- -	100 - -
	Mess Allowance, at 1*s.* a day each for Officers	350 - -	- - -	- -	400 - -
	Hire of Ground for Exercise	100 - -	- - -	- -	150 - -
	Hire of Hospital Accommodation, Beds, Bedding, &c.	1,100 - -			
	Repairs, &c. of Quarters provided for Permanent Staff in the County Stores	2,000 - -			
	Excess to be paid by the Public for Rations beyond the stoppage from the Men	1,000 - -			
	Expenses of Men left Sick after the termination of the Training	50 - -	- - -	- -	100 - -
	Rewards and Expenses attending the Apprehension of Deserters, and the Conviction of Offenders under Militia Acts	90 - -	- - -	- -	150 - -
	Allowance for Purchase of Books, and for the formation of Evening Schools	- - -	- - -	- -	50 - -
	Allowance to Officers and Men whilst under Instruction of Regiments of the Line, &c., and to Men at Head Quarters	50 - -	- - -	- -	2,000 - -
	Allowances to Serjeants and Men of the Line, and to Out-Pensioners when employed as Drill Instructors during Training	50 - -	- - -	- -	100 - -
	Pay and Allowances of Inspectors of Militia in Great Britain and Ireland	1,184 3 4			
	Forage Allowance for ditto	237 5 -			
	Amount which will be required for Clothing during the Training	15,000 - -			
	Amount which will be required for Clothing to be delivered in 1858	75,000 - -			
	Allowances to Clerks of General Meetings of Lieutenancy	5,500 - -	- - -	- -	5,500 - -
	For Contingent Expenses	978 11 8	- - -	- -	470 - -
			113,400 - -		
		£.	225,400 - -	- -	58,350 - -
	Pay and Allowances of Permanent Staff:				
	134 Adjutants - - at 8 - a day each	£. 53 12 -			
	28 „ (Artillery) 9 - „	12 12 -			
	103 Quartermasters - - 5 - „	25 15 -			
	5 „ - - 3 6 „	- 17 6			
	134 Serjeant-Majors - - 1 10 „	12 5 8			
	27 „ (Artillery) 3 - „	4 1 -			
	251 Serjeants - - - 1 8 „	20 18 4			
	2,196 „ - - - 1 6 „	164 14 -			
	41 „ (Artillery) 2 6 „	5 2 6			
	254 „ ditto 2 2 „	27 10 4			
4,398	1,225 Drummers - - - 1 - „	61 5 -			
	Per diem - - -	£. 388 13 4			
	Which, for 365 days, is	141,863 6 8			
	Allowance to form Contingent Fund, at 6*d.* per annum for each Private borne on the Establishment	3,100 - -			
	Medical attendance on the Staff, and their Families	3,200 - -			
	Forage Allowance for Adjutants	5,913 - -			
	Lodging Allowance for ditto, and Quartermasters not provided with Quarters	4,800 - -			
	Lodging Allowance for Non-commissioned Officers and Drummers	5,500 - -			
	Fuel and Light for ditto	5,000 - -			
		169,376 6 8			
	Deduct for Pay of Non-commissioned Officers not appointed	376 6 8			
	TOTAL for PERMANENT STAFF	- - - - -	169,000 - -	4,349	118,000 - -
14,064	Numbers. TOTAL for DISEMBODIED MILITIA	- - - £.	394,400 - -	15,942	176,350 - -

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA, &c.—*continued.*

Numbers 1857–58.		ESTIMATE, 1857–58.			ESTIMATE, 1856–57.	
					Nos.	CHARGE.
	No. III.—DETAIL of the CHARGE of RETIRED ALLOWANCES:					£. s. d.
		DAILY RATES. 8/ 7/ 6/ 5/ 4/6 4/ 3/6 3/ 2/6 2/	TOTAL per Diem. £. s. d.	TOTAL for 365 Days. £. s. d.		
17	Paymasters - -	– – 2 4 1 6 – 1 1 2	3 10 –	1,277 10 –	18	1,387 – –
59	Adjutants - -	21 2 23 4 – 9 – – – –	18 16 –	6,862 – –	54	6,497 – –
37	Surgeons - -	– – 12 10 2 11 2 – – –	9 2 –	3,321 10 –	36	3,266 15 –
9	Quartermasters -	– – – 1 – – 2 2 2 2	1 7 –	492 15 –	10	529 5 –
288	Lieutenants -	– – – – – – – – 288 –	36 – –	13,140 – –	292	13,322 10 –
11	,, - -	– – – – – – – – – 11	1 2 –	401 10 –	7	255 10 –
63	Ensigns - -	– – – – – – – – – 63	6 6 –	2,299 10 –	66	2,409 – –
13	Surgeons' Mates -	– – – – – – – – 13 –	1 12 6	593 2 6	14	638 15 –
6	Assistant Surgeons	– – – – – – – – 6 –	– 15 –	273 15 –	7	319 7 6
			78 10 6	28,661 12 6	– –	28,625 2 6
	Deduct probable Saving by Casualties - - -			1,161 12 6	– –	1,025 2 6
503	TOTAL for Retired Allowances - - - £.			27,500 – –	504	27,600 – –
	No. IV.—DETAIL of CHARGES of REDUCED ADJUTANTS of LOCAL MILITIA:					
31	Reduced Adjutants, at 4 *s.* a day each - - - - -			2,263 – –	37	2,701 – –
	Deduct probable Saving by Casualties - - - -			163 – –	– –	101 – –
31	TOTAL for Reduced Adjutants of Local Militia - - - - - - - £.			2,100 – –	37	2,600 – –
	No. V.—DETAIL of the CHARGE of OUT-PENSIONERS from the MILITIA and LOCAL MILITIA (as per Particulars annexed.)					
1,508	Militia Out-Pensioners, at various Rates - - - -			20,500 – –	1,575	21,500 – –
26	Local Militia - - ditto - - - - - - - -			350 – –	30	400 – –
	Add for Non-commissioned Officers of the permanent Staff, to be pensioned - - - - - - - -			150 – –	– –	500 – –
1,534	TOTAL for Out-Pensioners, Militia and Local Militia - - - - - £.			21,000 – –	1,605	22,400 – –

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA, &c.—*continued.*

No. V.—Detail of the Pensioners from the Regular Militia and Local Militia -

	ESTIMATE, 1857-58.						ESTIMATE, 1856-57.					
				Charge per Diem.				Charge per Diem.				
	Regular Militia.	Local Militia.	Rate per Diem.	Regular Militia.		Local Militia.		Nos.	Regular Militia.		Nos.	Local Militia.
	Nos.	Nos.	s. d.	£. s. d.		£. s. d.			£. s. d.			£. s. d.
	1	- -	- 2	- - 2		- - -		1	- - 2		—	—
	29	- -	- 4¾	- 11 5¼		- - -		17	- 6 8¾		—	—
	493	3	- 5	10 5 5		- 1 3		529	11 - 5		3	- 1 8
	88	2	- 6	2 4 -		- 1 -		88	2 4 -		3	- 1 6
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	37	4	- 8	1 4 8		- 2 8		40	1 6 8		5	- 3 4
	46	2	- 9	1 14 6		- 1 6		44	1 13 -		2	- 1 6
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	1,503	26	- -	- - -		- - -		1,575	- - -		30	—
For one day - - - - - -				57 17 6¾		1 - 7		- -	60 11 5		- -	1 3 9
For 365 days - - - - - -				21,125 10 ¾		375 12 11		- -	22,109 9 10¾		- -	433 8 9
Deduct probable Saving by Casualties - -				625 10 3¾		25 12 11		- -	609 9 10¾		- -	33 8 9
TOTAL - - - £.				20,500 - -		350 - -		- -	21,500 - -		- -	400 - -

REPORT

FROM THE

SELECT COMMITTEE

ON

MILITIA ESTIMATES,

FOR THE YEAR ENDING

31 MARCH 1858.

Ordered, by The House of Commons, *to be Printed,*
22 *July* 1857.

200.

Under 1 *oz.*

43

REPORT

FROM THE

SELECT COMMITTEE

ON

NEW ZEALAND;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
9 *July* 1857.

171—Sess. 2.

Jovis, 2° *die Julii*, 1857.

Ordered, THAT a Select Committee be appointed "to inquire into the expediency of guaranteeing by Act of Parliament the liquidation of a Loan, to be contracted in pursuance of an Act passed by the Legislature of New Zealand, for defraying the Debt of the Colony to the New Zealand Company, towards extinguishing the native title to Lands in certain portions of the Colony, and for other purposes."

Veneris, 3° *die Julii*, 1857.

Committee nominated of,—

Mr. Sec. Labouchere.	Mr. Adderley.
Lord John Russell.	Mr. John Abel Smith.
Lord Stanley.	Mr. Henley.
Sir John Pakington.	Mr. Wise.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Three be the Quorum of the Committee.

Lunæ, 6° *die Julii*, 1857.

Ordered, THAT Mr. Lowe be added to the Committee.

Jovis, 9° *die Julii*, 1857.

Ordered, THAT the Committee have power to report their Opinion, together with the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - p. iv
MINUTES OF EVIDENCE - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - - p. 29

REPORT.

THE SELECT COMMITTEE appointed to inquire into the expediency of guaranteeing by Act of Parliament the liquidation of a LOAN, to be contracted in pursuance of an Act passed by the Legislature of New Zealand, for defraying the DEBT of the Colony to the NEW ZEALAND COMPANY, towards extinguishing the native title to Lands in certain portions of the Colony, and for other purposes, and who were empowered to report Opinions, together with Minutes of Evidence, to The House,——HAVE considered the Matters to them referred, and have come to the following RESOLUTION, which they have agreed to report to The House:—

THAT it is the opinion of this Committee, that, under the peculiar circumstances of the case, it is expedient that the guarantee of the Imperial Government should be given to a Loan for a Sum not exceeding Five hundred thousand pounds, which it is proposed to raise under the New Zealand Loan Act, 1856, upon such conditions as may be best calculated to secure the regular liquidation of the principal and interest of the debt.

9 July 1857.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 6° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. Labouchere.	Lord Stanley.
Mr. John Abel Smith.	Mr. Adderley.

Mr. Labouchere was called to the Chair.

The Committee deliberated as to their future Proceedings.

[Adjourned till To-morrow, at One o'clock.

Martis, 7° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. Labouchere.	Lord Stanley.
Mr. Wise.	Mr. Lowe.
Mr. Henley.	Sir John Pakington.
Mr. Adderley.	Mr. John Abel Smith.

Mr. *Merivale* and Mr. *Sewell*, examined.

Committee deliberated.

[Adjourned till To-morrow, at Three.

Mercurii, 8° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. Labouchere.	Mr. John Abel Smith.
Mr. Wise.	Sir John Pakington.
Mr. Henley.	Mr. Lowe.

The Committee deliberated.

Motion made and Question proposed, "That it is the opinion of this Committee that under the peculiar circumstances of the case, it is expedient that the guarantee of the Imperial Government should be given to a loan for a sum not exceeding 500,000*l.*, which it is proposed to raise under the New Zealand Loan Act, upon such conditions as may be best calculated to secure the regular liquidation of the principal and interest of the debt." (*Mr. Labouchere.*) Amendment proposed, to leave out from the word "that," to the end of the question, in order to add the words, "the sum of 180,000*l.*, being the amount of the proposed loan of 500,000*l.* to New Zealand, to be applied to purchase the native right to land, which it is stated may probably increase in value if not now secured, be deducted therefrom; and that this Committee, therefore, recommend a loan to the amount of 320,000*l.*, to be guaranteed by the Imperial Government," instead thereof. (*Mr. Henley.*) Question put, "That the words proposed to be left out, stand part of the question." The Committee divided.

Ayes, 4.	Noe, 1.
Mr. Wise.	Mr. Henley.
Mr. J. A. Smith.	
Sir John Pakington.	
Mr. Lowe.	

Main

Main Question put. The Committee divided.

Ayes, 4.	Noe, 1.
Mr. Wise.	Mr. Henley.
Mr. J. A. Smith.	
Sir John Pakington.	
Mr. Lowe.	

Resolved,—That it is the opinion of this Committee that under the peculiar circumstances of the case, it is expedient that the guarantee of the Imperial Government should be given to a loan for a sum not exceeding 500,000 *l.*, which it is proposed to raise under the New Zealand Loan Act, upon such conditions as may be best calculated to secure the regular liquidation of the principal and interest of the debt.

Ordered, to report the said Resolution, together with the Minutes of Evidence, to The House.

WITNESSES.

Herman Merivale, Esq. - - - - - - - p. 1

Henry Sewell, Esq. - - - - - - - - p. 13

MINUTES OF EVIDENCE.

Martis, 7° die Julii, 1857.

MEMBERS PRESENT.

Mr. Adderley.	Sir John Pakington.
Mr. Henley.	Lord Stanley.
Mr. Secretary Labouchere.	Mr. John Abel Smith.
Mr. Lowe.	Mr. Wise.

THE RIGHT HON. HENRY LABOUCHERE IN THE CHAIR.

Herman Merivale, Esq., called in; and Examined.

H. Merivale, Esq.

7 July 1857.

1. *Chairman.*] YOU are Permanent Under Secretary to the Colonies?—Yes.

2. How long have you held that situation?—I was assistant Under Secretary first in October 1847, and I have been discharging the duties of Under Secretary ever since that time.

3. In the course of your official experience have you had much occasion to make yourself acquainted with the affairs of New Zealand?—Yes.

4. You are aware of the circumstances that led to the appointment of this Committee?—Yes.

5. Will you have the kindness shortly to state to the Committee the circumstances which have led to the state of things in New Zealand, which have given occasion for the Bill which has been passed in New Zealand, and which has been referred to this country, and which has been the origin of the appointment of this Committee?—The New Zealand Company, as the Committee are aware, was concerned in colonisation in New Zealand from about 1843. In April 1847 an arrangement was made between Lord Grey, then Secretary of State for the Colonial Department, and the New Zealand Company, by which the Company was entrusted with the management, and, to a certain extent, the dominion of all the lands of the southern portion of New Zealand, comprising the whole of what is now the Middle Island, and a portion of the Northern Island, on condition that they were to sell the land at a certain price, and further conditions with which perhaps I need not trouble the Committee now; and with this provision, that it was expedient to provide for the contingency of the Company being unable to continue their proceedings with profit to themselves and benefit to the colony. In that case it was provided, that the Company should wind up its affairs, and that it should have paid to it a sum fixed by the Act of the 10 & 11 Vict., c. 112, s. 20, at 268,370 *l.* 15 *s.*, being after the rate, as the Act expresses it, of 5 *s.* per acre of the one million and odd thousand acres, to the possession of which the Company are now entitled. That Act was therefore passed on the assumption that the Company was entitled to a large property of its own in New Zealand, independently of the Crown lands which had been handed over to its management, and that if the Company gave up its business the Crown was bound to purchase those lands of the Company. I believe the history of this arrangement to be, that Government had given the New Zealand Company the right to large estates in New Zealand on trust to colonise them, and these had never been very distinctly marked out, and they were estimated to amount to this number of acres. This sum was to be paid, with interest at

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3 *l.* 10 *s.* in the hundred, and it was to be charged upon the proceeds of all future sales of the demesne lands of the Crown in New Zealand (demesne lands are explained by the Act to mean lands over which the Crown had acquired an absolute title), after deducting the outlay for surveys and "the proportion of such proceeds which is appropriated for the purposes of emigration," no proportion being fixed in the Act for either of those purposes.

6. Lord *Stanley.*] The outlay for surveys would be a fixed quantity, would not it?—No, I apprehend it to mean the accruing expenses; they were from time to time to make surveys, the expense of which was to be a first charge upon the land revenue. The event contemplated by the Act, namely, the winding up of the affairs of the Company for this purpose, took place in the time specified by the Act, within three months after the 5th of April 1850; it took place, I think, in July 1850. As I have observed before, the Act specified no precise amount to be paid by the Company; there was, therefore, a good deal of discussion after the Company wound up as to how much the Company ought to get, which was settled, as far as the power of the Secretary of State enabled him to do so, by Lord Grey, who directed that, in his opinion, the fair share was one-fourth, payable to the Company, the remainder being due to surveys and emigration; that arrangement was made as far as Lord Grey had power to make it.

7. Mr. *Henley.*] That will be one-fourth of the interest of the 268,000 *l.*, at 3 *l.* 10 *s.* per cent.?—One-fourth of all the sums received from the alienation of lands in New Zealand was to be paid.

8. Lord *Stanley.*] One-fourth of the revenue derived from land sales?—Yes; it was either one-fourth or 5 *s.* per acre; whether it was specifically one or the other, I forget at this moment.

9. *Chairman.*] Will you go on with the account of what afterwards happened?—Afterwards, when Sir John Pakington was Secretary of State, the New Zealand Government Act, which now regulates the government of that colony, was passed on the 30th of June 1852. By section 74, it recites the parts which I have mentioned of the former Act, and it then provides that upon all sales of waste lands of the Crown, and other alienations which are particularly specified in the Act, one-fourth of the sum received by such sales and alienations shall be paid to the Company towards the discharge of this principal and interest. And by the same Act, section 62, the Governor is authorised to impound the land revenue; it is placed generally at the disposal of the Colonial Legislature, but he is authorised to stop it *in transitu*, and to take out of it what is necessary, in the first place, for collection and management; secondly, for the purchase of land from the natives; and thirdly, for payment to the New Zealand Company. The arrangement, therefore, is that the proceeds of the waste lands of the Crown in New Zealand do not reach the legislature, to which they ultimately belong, together with the other revenues of the islands, until these first stoppages had been made out of them.

10. Mr. *John Abel Smith.*] Is that all specified in the Act?—That is all specified in the Act.

11. *Chairman.*] Will you have the goodness to read the section?—By section 62, "The Governor is hereby authorised and required to pay out of the revenue arising from taxes, duties, rates, and imposts levied under any Act or Acts of the said General Assembly, and from the disposal of waste lands of the Crown, all the costs, charges, and expenses incident to the collection, management, and receipt thereof; also to pay out of the said revenue arising from the disposal of waste lands of the Crown such sums as may become payable under the provisions hereinafter contained for or on account of the purchase of land from aboriginal natives, or the release or extinguishment of their rights in any land, and such sums as may become payable to the New Zealand Company under the provisions of this Act in respect of the sale or alienation of land; provided always, that full and particular accounts of all such disbursements shall from time to time be laid before the said Legislative Council and House of Representatives."

12. Now will you read the 74th section also?—"And whereas, under and by virtue of the last-mentioned Act," (which was the Act at first mentioned, the 10 & 11 Vict., c. 112), "and of a notice given on the fourth day of July 1850, by the New Zealand Company in pursuance of such Act," (that was the notice of winding-up), "the sum of 268,370 *l.* 15 *s.*, with interest, after the yearly

yearly rate of 3 *l.* 10 *s.* per centum upon the said sum, or so much thereof as shall from time to time remain unpaid, is charged upon and payable to the New Zealand Company out of the proceeds of the sales of the demesne lands of the Crown in New Zealand, in respect of all sales or other alienations of any waste lands of the Crown in New Zealand, in fee simple, or for any less estate or interest, (except by way of licence for occupation for pastoral purposes, for any term of years not exceeding seven, and not containing any contract for the renewal of the same, or for a further estate, interest, or licence, or by way of reservation of such lands as may be required for public roads or other internal communications, whether by land or water, or for the use or benefit of the aboriginal inhabitants of the country, or for purposes of military defence, or as the sites of places of public worship, schools, or other public buildings, or as places for the interment of the dead, or places for the recreation and amusement of the inhabitants of any town or village, or as the sites of public quays or landing places on the sea coast or shores of navigable streams, or for any other purpose of public safety, convenience, health, or enjoyment), there shall be paid to the said New Zealand Company, towards the discharge of the principal sum and interest charged as aforesaid, in lieu of all and every other claim of the said company in respect of the said sum, except where otherwise hereinafter provided, so long as the same, or any part thereof respectively shall remain unpaid, one fourth part of the sum paid by the purchaser in respect of every such sale or alienation: Provided always, that it shall be lawful for the New Zealand Company, by any resolution of a majority of the proprietors of the said Company present at any meeting of such proprietors, and certified under the common seal of such company, to release all or any part of the said lands from the monies or payment charged thereon by the said Act or this Act, or any part of such monies or payment, either absolutely or upon any terms or conditions, as such proprietors may think fit."

13. Will you have the goodness to go on with the account of what took place?—Since that time this arrangement has subsisted, and has been acted upon. From time to time sales of land have been made in New Zealand, and a fourth has been from time to time remitted by the Governor, more or less regularly, but generally pretty regularly, to the Treasury here, and paid by the Treasury to the Company.

14. Mr. *Henley.*] Can you give the amount of that?—I can give it up to November last. I find that in November last the state of the account with the Company was this: the balance due to the Company was then 240,899 *l.* 19 *s.* 10 *d.* I take this from an account of the New Zealand Company's own, dated 3d November 1856.

15. The interest and a certain portion of the capital has been paid?—That is the effect. In 4 ½ years the interest had been paid, and the principal reduced by 27,000 *l.* In 1855, Lord John Russell held the seals of the Colonial Office, and he then came to an arrangement with the New Zealand Company and with the colony, as represented by Mr. Adderley, so far as Mr. Adderley was able to bind the colony, which perhaps, if I may read it, is best explained by a despatch which Lord John Russell then addressed to the Governor of New Zealand, dated the 4th of July 1855:—"Sir, the subject of the debt charged on the land revenue of New Zealand in respect of the lands ceded by the Company under the provisions of the Company's Act of 1847, has been brought before Her Majesty's Government, in various shapes, by your predecessors, Sir George Grey and Colonel Wynyard" (Colonel Wynyard had administered the government of New Zealand as a temporary governor after Sir George Grey's departure), "and by addresses from the Colonial Legislature. It has also been pressed on them by Mr. Adderley on behalf of the colony generally; and his assistance has been freely afforded towards discussing the means which might be devised for its adjustment. The proposal which I have now to make is founded on the suggestions of the directors of the Company, embodied in the resolutions, of which copy is subjoined. The following are its general outlines:—1st. It is proposed that the colony should be relieved entirely from the charge in question, on paying to the Company 200,000 *l.*, being the nominal value of its capital. 2d. The payment to be made on or before the 5th of April 1857. In the meantime, the Company is content to take all sums which may be in its hands this day in excess of interest due, as part payment of farther accruing interest, and to take any sum which

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may be in their hands on the day of payment over and above the interest so accruing on the 268,000 *l.*, in part payment of the 200,000 *l.* If, however, this arrangement should fail of execution, then all such sums to go, as before, in reduction of the said charge and interest thereon. 3d. If the colony consent to this proposal, Her Majesty's Government will propose to Parliament to guarantee the principal of such sums as the colony may raise for the purpose, and interest not exceeding four per cent., in the same manner as the recent Jamaica loan, under the Act 17 & 18 Vict. c. 54, s. 1. 4th. In return for this guarantee, Her Majesty's Government would require that the principal and interest should be made by colonial legislation a charge on the import duties of the colony; and likewise, collaterally, a charge on the land fund, with provision for the maintenance of an adequate sinking fund for the redemption of the debt in 30 years. 5th. Of the sum of 200,000 *l.* thus paid in discharge of the nominal capital of the Company, a portion, approaching, but not exceeding, 13,000 *l.* would be received by Her Majesty's Government (as the holder of certain shares and liens on shares heretofore held by the Company, and now devolving on the Crown as assets of the Company collectively under the agreement of 1847). Her Majesty's Government would have no wish to receive this money at the expense of the colony, but the Act of 1847 throws on the Crown the discharge of certain liabilities of the Company and the execution of certain of its contracts, which have already involved Her Majesty's Government in an expense considerably exceeding that amount. Without any regard, however, to what has been already paid in this manner, Her Majesty's Government are willing to relinquish the 13,000 *l.* in question, if the colony will take on itself the discharge of all further liabilities of the Company, specified in the Act of 1847 as devolving on the Crown, which may be yet found to exist, and also the execution of all remaining contracts. 6th. The alternative proposed to the colony therefore is, either to pay 200,000 *l.*, or to pay 187,000 *l.* and undertake these contracts and liabilities. I have every reason to believe that the contracts and liabilities in question have been so reduced by transactions since 1850, as no longer to present any probability of serious demands, but hope by an early opportunity to send you such information as can be procured respecting them. 7th. To carry into effect this arrangement colonial legislation would be required to empower the local government to raise the money and charge it on the required branches of the revenue, and an Act of Parliament to give the requisite guarantee, and at the same time to extinguish the charge of 268,000 *l.*, and also to extinguish the remaining liabilities of the Crown in respect of the Company's affairs, if that branch of the alternative shall be accepted by the colony."

16. *Chairman.*] What rendered it of importance to disturb the arrangement that already subsisted, with regard to the relations between the New Zealand Company and the colony of New Zealand?—I apprehend the reason was the great political difficulty of the arrangement itself. At that time responsible government had been conceded to New Zealand, or was in course of concession. The Executive Councillors therefore would be, in the natural course of things, the persons responsible to the Colonial Assembly, and virtually chosen by the colonial General Assembly; the Governor, on the other hand, would have, and has now, the task of stopping with his own hands the revenue before it gets into the hands of the Assembly; and before, consequently, it gets into the hands of his own advisers, he has to arrest it and discharge out of it what is due. He has to execute the Act of Parliament, which is obviously an unpopular one with the Assembly of the colony.

17. Lord *Stanley.*] The power vested in him, in order that he might comply with the requirements of the Act, was supposed to be unsuitable to the new constitution given to the colony?—Yes.

18. *Chairman.*] The customs revenues of New Zealand, I believe, are entirely at the disposal of the general legislature of the colony?—Yes; the Constitution Act creates six provinces, with provincial legislatures, and gives those provincial legislatures the power of taxation, but customs duties are left exclusively to the General Government and Legislature, and also the land revenue.

19. What has taken place in New Zealand with reference to the proposal made by Lord John Russell in his despatch?—The proposal made produced certain resolutions on the part of the House of Representatives, which I have here, and of which I will read the material parts:—"Resolutions, as agreed to in

in Committee of Ways and Means, adopted by the House 2d July 1856: That it is expedient without delay to make provision for all ascertained outstanding liabilities, as permanently to adjust the public burdens of the colony, which adjustment ought to embrace a settlement of the New Zealand Company's debt and the charge on the land fund for the purchase of native lands. That, as a part of such arrangement, it is necessary to make provision by loan for sums absolutely required for native-land purchases for the ensuing financial year, and to make permanent provision for the same object. That amongst the liabilities to be provided for by the colony; this House recognises the following: balance due to the Union Bank of Australia, deposit accounts, arrears of fourths due to the New Zealand Company, balances due to provinces, outstanding liabilities on contracts for purchase of native lands. That, as a provisional arrangement for satisfying immediate liabilities, providing for the purchase of native lands, and for general services, it is desirable to raise upon debentures a loan not exceeding 100,000*l.*, at interest not exceeding 10 per cent., payable off, at the option of the colony, in one or two years; any portion of such loan which, in excess of the amount required to complete existing contracts, shall be expended in the purchase of native lands, to be repaid with interest out of the permanent loan of 180,000*l.*, to be provided for effecting such purchases. That it is expedient, as part of a general and permanent arrangement, to redeem the New Zealand Company's charge on the land fund upon the terms offered by the Company, and assented to by the Imperial Government, viz., that payment be made to them on the 5th April 1857 of a sum of 200,000*l.*, towards which all monies in their hands at that date in excess of the interest shall be applicable, by way of reduction, the Imperial Government guaranteeing a loan for that object of 200,000*l.* to be obtained in England upon the most favourable terms practicable. That, as further part of such general and permanent arrangement, it is expedient to exonerate the land fund from its liability for the purchase of native land, and to provide a capital fund for carrying on such purchases, with which object it is expedient to borrow a sum of 180,000*l.* to form such capital fund; such sum to be raised and made available, as circumstances may require, in such manner and subject to such conditions as to the application thereof as the Legislature may direct, and that it is expedient to make application to the Imperial Government for guarantee for loan for such purpose of 180,000*l.* to be raised in England upon the most favourable terms practicable. That as further part of such general and permanent arrangement, in order to pay off the before-mentioned provisional loan and the old debentures, but exclusive of land scrip, it is expedient to make application to the Imperial Government for its guarantee for a further loan to be raised in England upon the most favourable terms practicable. That the aggregate of such loans ought not to exceed 500,000*l.*, and that such loans should be secured on the general and territorial revenue of the colony. That the ground on which this House conceives itself entitled to claim the guarantee of the Imperial Government for the required loans is, that burdens have been imposed on this colony by the Imperial Parliament, unjust in themselves and greatly disproportioned to its revenue, and which, without such aid, must prove deeply injurious to its progress and prosperity. That as further part of such general and permanent arrangement, and in order to adjust equitably the public burdens, the New Zealand Company's debt be borne by the provinces of the Middle Island in equal proportions, and the charge of purchasing native lands by the provinces respectively within which such purchases shall be made. That in accordance with a former resolution of this House, the province of Auckland be relieved retrospectively, as well as prospectively, from the New Zealand Company's debt; and that, after payment of the sum due to the Company on the 5th April 1857, the balance of the loan of 200,000*l.* be made applicable to that purpose, leaving any deficiency or excess to be adjusted when the same be ascertained, the province of Auckland on its part bearing the sum of 911*l.* 8*s.* 9*d.*, under the land claimants' ordinance, New Ulster, as a debt incurred for its exclusive advantage. That this House is of opinion that the administration of the waste lands of each province should be transferred to the provincial Government of such province, and the land revenue thereof made provincial revenue, subject to the following charges: the province of Nelson to be subject to a charge of 66,666*l.* 13*s.* 4*d.*, to bear interest at the rate of four per cent., with a sinking fund of two per cent.; the province of

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Canterbury to be subject to a charge of 66,666 *l.* 13 *s.* 4 *d.*, to bear interest at the like rate, with a sinking fund at the like rate; the province of Otago to be subject to a charge of 66,666 *l.* 13 *s.* 4 *d.*, to bear interest at a like rate, with a sinking fund at the like rate. The respective provinces of Auckland and Wellington to be subject respectively to charges equal to the proportion of the permanent loan borrowed for the purchase of native lands in such provinces respectively, with interest at the rate of four per cent. per annum, and a sinking fund of two per cent.; the province of New Plymouth to be subject to a charge equal to the proportion of permanent loan, borrowed for the purchase of native lands in such province, with interest at the like rate, and with the like sinking fund, but after allowing the sum of 20,000 *l.* as a first outlay to be made in that province in the purchase of native lands, without charge to such province. That until such outlay of 20,000 *l.* shall have been made in the province of New Plymouth as aforesaid, the colony do guarantee, out of its general revenue, to make up any deficiency in the gross proceeds of land sales within such province, so that the sum derivable from such gross proceeds be not less than 2,200 *l.* in any one year. That the loan to be obtained for fresh purchases of native lands be distributed in the following proportions:

	£
5-10ths to the province of Auckland - - - - -	90,000
3-10ths - - ditto - - Wellington - - - -	54,000
2-10ths - - ditto - - New Plymouth, without interest	20,000
2-10ths - - ditto - - ditto - - with interest -	16,000
£.	180,000

That the scheme of arrangement and adjustment embodied in the foregoing resolutions be brought into operation on and from the 1st day of July 1856, and the revenue of the colony distributed and appropriated, on that basis, on and from that day; the contributions from the land fund to the New Zealand Company's debt ceasing on and from that day, and the purchase of native lands being thenceforth provided for out of the before-mentioned loans. That such scheme of arrangement and adjustment be effectuated by an Act of the Imperial Parliament, to be applied for forthwith, and that an appeal be made to the Home Government for its guarantee for an aggregate loan of 500,000 *l.* That, failing such Act of Parliament and guarantee, the entire scheme be open to revision by the General Assembly; and that this House guarantees to the provinces all monies which may be received by them under the foregoing arrangement, without liability to future account. That application be made to Parliament forthwith for effecting the before-mentioned objects." At the same time we received an Act for raising a loan for 500,000 *l.* for the public service of the colony of New Zealand; this is the Act; it is a short one; it is merely in pursuance of the Resolutions. There is also a separate Act, which was passed for raising 100,000 *l.* by debentures.

20. *Chairman.*] What course did the present Colonial Secretary take in reference to this communication?—The Governor was written to, shortly after the receipt of this communication, to tell him that it was received, and was under consideration, but to caution him not to expect that such a proposal would be received at all as a matter of certainty; that he must consider it as a subject to be deliberated on by the home Government, and act accordingly. That, I think, is all that has been done since.

21. Are you able to state to the Committee by what majority those resolutions were come to in the Legislature of New Zealand?—No, I am not. We never had any official account of the majority.

22. I think a protest, on the part of the minority, against those resolutions has been received?—We received a protest, signed by seven or eight gentlemen, but whether they were the minority in the House of Representatives or the Council, I am not certain.

23. Sir *John Pakington.*] Were they all members of one or the other?—I believe so.

24. *Chairman.*] Will you have the kindness to read the protest?—It is addressed to the Right honourable Henry Labouchere, Secretary of State for the Colonies; I do not think it has a date; but we received it at the same time

time with the body of papers relating to the subject: "Sir,—We have the honour to address to you the following protest against a financial proposal of the general Government of this colony, to which the assent and co-operation of Her Majesty's Government will be sought, but we venture to hope without success. The waste lands of this colony were, by the Constitution Act of 1852, subjected to two distinct burthens: 1st, a debt of 260,000 *l.*, due to the New Zealand Company, bearing interest, for the redemption of which provision was made by the appropriation to the Company of one-fourth of the proceeds of all sales of the waste lands; and 2dly, a liability to bear the cost of extinguishing the native tribe in that part of the waste lands not yet purchased from the aborigines. It was not without much deliberation, and after a full consideration of the circumstances of the case, that these charges were imposed equally on all the waste lands of the colony, as a whole, instead of apportioning them to particular provinces, in accordance with any imaginary rule of equity. As regards the Company's debt, it was held by the Imperial Government and Parliament that, as it originated in the extinction of the Company's right to select a large estate (1,300,000 acres) in any or all parts of the islands, and by the extinction of which all parts were benefited, it was equitable to charge the debt on all the lands relieved, *i. e.* on the whole waste lands of the colony, and not merely on those settlements which had been founded by the Company, and had enjoyed the benefit of its direct expenditure in the course of its colonising operations. As regards the liability of all the waste lands of the Crown to contribute towards the purchase of other lands from natives (which by such purchase became demesne of the Crown and available for colonisation), the case stands thus: the whole Middle Island (more than fifty millions of acres), having little or no native proprietary, has been purchased at a trivial cost, and the waste lands comprised in it have been included in the three provinces of Nelson, Canterbury, and Otago, in whose hands they constitute an immense source of wealth, for which they have given little or no consideration. The Northern Island, containing about forty millions of acres, being in comparison densely peopled by the aborigines, has as yet been only partially purchased, and very large sums will have to be expended before the provinces of Auckland, Wellington, and New Plymouth can extinguish the native title in, and get possession of, the waste lands included within their political boundaries. The principle adopted by the Imperial Government in the Constitution Act is, that the waste lands of the Middle Island, which have been handed over to the provinces of that island, almost without cost to them, should contribute jointly with the purchased lands in the Northern Island towards the extinction of the native title in the latter island. This seems entirely equitable; for no reason can be given why the provinces in the Middle Island should have a vast estate assigned to them almost without consideration, and those in the Northern Island be obliged, at their own cost, to buy the territory included in the political divisions. And had the colonisation of New Zealand been effected by the deliberate act of the British Government, and on a systematic plan, instead of accidentally and by piecemeal, the result arrived at by the Constitution Act would have followed as a matter of course; for the Imperial Government in such case, extinguishing the native title in the whole of the islands by one purchase, or a successive series of purchases, would no doubt, before colonisation had commenced, have charged the whole island with the debt, and in such case no one could have entertained a doubt as to the propriety of such a course, or the equitableness of the incidence of the general burthen. This status of the policy, in reference to its burthens, stands at present guaranteed by the Constitution Act, and is regarded by the provinces which oppose the proposed new financial scheme of the general government as a fundamental right conferred upon them by Parliament. The New Zealand Company, under the sanction of the Imperial Government, has proposed to accept a cash payment of 200,000 *l.* in satisfaction of its debt, and the General Assembly has assented to it. The Imperial Government has agreed to guarantee a loan for the purpose, to be charged on the waste lands of the entire colony, redeemable in 30 years, with interest. To this no objection is made by the undersigned, but, on the contrary, they desire earnestly to see it effected. But the Colonial Government propose in addition to raise 300,000 *l.* by loan, also to be guaranteed by the Imperial Government (100,000 *l.* to meet certain alleged outstanding liabilities of the colony, and 200,000 *l.* to extinguish native titles in

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the Northern Island. It proposes to charge the whole amount, including the company's debt, 500,000 *l.*, on the waste lands of New Zealand, as between the colony and the lenders, but by a subordinate adjustment, to charge the 200,000 *l.* raised for the extinction of the Company's debt on the Middle Island exclusively, and the 200,000 *l.* raised for native purchases on the Northern Island exclusively; while the 100,000 *l.* raised to extinguish floating liabilities is to be charged on the entire colony. This is the arrangement, towards effecting which the co-operation of the Imperial Government will be sought, and against which we beg most respectfully to protest on the following grounds: First, that it is a direct contravention of the fundamental principles laid down by the Constitution Act, which, as stated above, charged the burdens in question on the colony as a whole. Secondly, that while the debt charged on the Middle Island amounts to only 200,000 *l.*, it relieves it from a contribution towards the extinction of native title, which would ultimatly amount to not less than a million and a half sterling, while, though the Northern Island is apparently charged with only a similar amount (200,000 *l.*), yet, as that sum will go but a little way towards extinguishing the native title, it will have to bear, in addition, the balance of the cost, which may, and probably will, be very large. Thirdly, that the tendency of the proposed adjustment will be to destroy the unity and solidarity of the colony, which nothing would more contribute to secure than the existence of a common debt, charged on it as a whole, and based on an equitable principle. And its ultimate effect would be to split the colony into two, a consummation to be earnestly avoided. Fourthly, that the measure is deceptive, inasmuch as while, by the subordinate arrangement of the debt, it proposes to relieve the Northern Island from one charge, and the Middle Island from another, the debt is, as between the colony and its creditors, to be charged on the whole; and thereby, in case of default by any portion of the islands, any individual province, for instance, the rest will have to resume the burden from which the scheme professes to relieve them. Fifthly, that it proposes to relieve the land fund from all contribution towards the expenses of the general government, towards which, by the Constitution Act, it was liable equally with the customs revenue. This provision will operate very injuriously to the Northern Island, where the land fund is comparatively small and the customs large. The whole cost of the general government will fall upon the latter, and the Northern Island not only lose its claim to contribution from the land fund towards native purchases, but also have to contribute an undue proportion towards the cost of the general government. Another objection to which we beg your attention is this: by a resolution of the House of Representatives, passed in 1854, it was determined that Auckland should be relieved from the Company's debt, on taking on itself any debts which might have been incurred for its peculiar advantage. The debts contemplated by the latter clause were: 1st. A sum of about 80,000 *l*, charged against the colony by the Home Government, on account of the establishment of the pensioner force. 2d. The sum of 27,000 *l.*, or thereabouts, being a consolidated debenture debt, which was originally incurred for the sole, or almost sole, benefit of Auckland. And, lastly, about 11,000 *l.* due to the Imperial Government for immigration, also specially for the benefit of that province. Now, while the Government scheme proposes to carry out the first part of the above resolution, prospectively and retrospectively, providing for the immediate cash payment of 40,000 *l.* by way of refund to Auckland, it requires no guarantee from that province that it will meet the liabilities contemplated by the second part of the resolution; and the Government, in the debates in the House of Representatives, though it admitted the liability of Auckland to at least the province debt (80,000 *l.*), deliberately declined to specify it in its scheme, or to make any allusion to any of the alleged liabilities of Auckland, except a trivial sum of 900 *l.* It is only on the faith of the resolution of 1854 that Auckland can claim any exemption; and as that resolution consists of two parts, a debtor and a creditor side, it is most unjust to provide for the one and not for the other also. We beg also to intimate that this scheme, though of such vital consequence to the several provinces whose rights are invaded by it, has not been submitted to their consideration, nor was the present House of Representatives elected in contemplation of it. The only security against oppression by party majorities, which any individual province has, is the Constitution Act, bestowed by the Imperial Parliament; and we trust that the Imperial

Imperial Government will not on any light ground consent to the alteration of that Act in any point of such vital importance as that referred to. That, should Her Majesty's Government be inclined to accede to the proposal of the Colonial Government, the undersigned earnestly hope that it will not do so till the financial scheme in question shall have been submitted to the constituencies of New Zealand by a dissolution of the Assembly, adopted, as it has been, only by a majority of the House of Representatives consisting of representatives of provinces receiving a special benefit under it, while the other provinces are most seriously injured by it. We beg also to intimate that another financial scheme, which was in conformity with and in no way infringed the Constitution Act, was adopted by resolutions of the House, which remains unrescinded, but which, owing to party combinations, based chiefly on the special and, as we think, unfair advantages held out to Auckland, has been superseded by the financial scheme of the present Government." That is signed by J. E. Featherstone, Member of the House of Representatives, superintendent of province of Wellington; William Cargill, superintendent of province of Otago; John Cargill, Member of the House of Representatives of Otago; James M'Andrew, Member of the House of Representatives of Otago; William Fox, Member of the House of Representatives, Wellington; William Fitzherbert, Member of the House of Representatives, Wellington; C. D. R. Ward, Member of the House of Representatives, Wellington; those are all the names.

25. Sir *John Pakington.*] How many are there?—Seven.

26. Two superintendents and five members of the House of Representatives?—Two superintendents, one of whom also signs as a member of the House of Representatives.

27. Mr. *Adderley.*] How many members are there of the House of Representatives?—Thirty-seven.

28. *Chairman.*] Are you able to form any opinion as to what you imagine to be the difference of the general lines of policy adopted by the majority and the minority of the Legislature of New Zealand: with reference to these affairs?—There are six provinces in New Zealand, Auckland, New Plymouth, Wellington, Nelson, Canterbury, and Otago. Of those provinces, three only, Wellington, New Plymouth, and Nelson, were founded by the New Zealand Company. What rights the New Zealand Company may have had over the rest of the islands, in respect of its estate, is a question I cannot answer; but those three provinces alone directly benefit by the operations of the New Zealand Company. Auckland never had anything to do with it; Canterbury and Otago were both founded by private associations upon land which had indeed been the Company's, but was given up to those associations by the Company. Consequently it has all along been the feeling, upon the part of some people, that the original arrangement was unjust, in so far as it charged what was due to the Company upon the whole island, instead of upon the portions benefited by the Company. On the other hand, the Act of 1852 charged the whole purchase of native lands on the land revenue of the whole colony. It turned out that the native title in the Middle Island was nominal, or nearly so; whereas the native title in Auckland, and part of New Plymouth, and Wellington, was a very substantial title indeed. Consequently, there was a distinct, and, to a certain extent, counterbalancing sense of injustice arising from the circumstance that the whole colony had to contribute to what was only a relief to those three provinces, and to no others. The prevalence of these respective opinions goes some way to explain the difference of opinion in the colony.

29. Mr. *John Abel Smith.*] Do your observations as to non-interference apply to Canterbury as well as to Otago?—In that general view. To the best of my recollection, Canterbury owed no more to the Company than this, that the Company handed over to the Canterbury Association the land they had acquired. The cost of the management, and settlement, and preliminary expenditure was incurred not by the Company, but by the Association.

30. Were not all the preliminary settlements paid by the Company, and is not a very large sum still due?—I am not aware. I know the Association have paid a great deal.

31. Are you not aware there is a sum of 20,000 *l.* still due?—No.

32. Sir *John Pakington.*] Is not that explanation rather inconsistent with the fact that this protest is signed partly by gentlemen connected with Otago,

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and partly by gentlemen connected with Wellington?—It does appear so; I am not myself able to account for that.

33. *Chairman.*] Can you give the Committee any information as to the financial condition of New Zealand at the present time?—It is difficult to do so with exactness, because our accounts come rather slow from the colony. I have here a statement of the revenue up to the end of 1854, at which time the customs of the colony were 105,692*l.*; other miscellaneous revenue, 5,146*l.*; land sales, &c., 114,800*l.*; total 225,638 *l.* But there are also small local revenues of the provinces, of which we have no account.

34. Is it your impression that the revenues of New Zealand are in that state that there would be no difficulty in their meeting the interest of a loan of 500,000*l.*?—To the best of my judgment, the customs and land revenue of the colony would form quite a sufficient fund for guaranteeing that loan.

35. Lord *Stanley.*] Did you state that the expense of buying up native claims is very great in the Northern Island, and comparatively little in the Middle Island?—Yes.

36. On the other hand, it is principally the Middle Island, according to you, which benefits by this buying up of the lands in possession of the New Zealand Company?—According to my view, it is Wellington, Nelson, and New Plymouth. Of these, however, Wellington and New Plymouth are both in the Northern Island; Mr. Abel Smith adds Canterbury, inasmuch as Canterbury is still indebted to a considerable extent to the Company.

37. Mr. *Henley.*] You read from that paper three sums which the Legislature wished to borrow, namely, 100,000*l.* debentures, 200,000*l.* New Zealand Company, and 180,000 *l.*, a fund for the purchase of lands?—Yes; 200,000 *l.* for the Company; 180,000 *l.* for purchase; and the balance.

38. You stated before 100,000 *l.* debentures; but then they make that up in the gross sum of 500,000 *l.*?—Yes.

39. It was stated in one part of that document that they thought the Imperial Government had led them into some difficulty as far as concerned the 200,000 *l.* with regard to the New Zealand Company; do you know whether there is any reason why the Imperial Government should have anything to do with the 100,000 *l.* debentures, and borrowing a capital of 180,000 *l.* towards buying up the native claims?—I can only form a general opinion with regard to the native claims. The case stands thus: the native title to land in New Zealand is very peculiar; in most colonies of the Crown the natives have been recognised only as possessing certain possessory rights over the soil, and they have been paid comparatively trifling sums for those rights. In New Zealand, by the interpretation put upon the Treaty of Waitangi by the Home Government, it was considered that the New Zealand tribes had a right of proprietorship over their lands; not simply a general right of dominion, but a right of proprietorship, like landlords of estates, for which the Crown was bound to pay them. Very little land therefore in the Northern Island could be used for colonisation till the native title had been extinguished, it being a proprietary title. As the natives have become aware of this fact so their demands have increased, and now, no doubt, the sums they ask for their lands are very large, and form a very heavy item indeed in the colonial expenditure; and colonization cannot be carried on until that expenditure has been incurred. Besides, it is alleged that the natives, from having this territorial right admitted, acquire a notion that it is connected with the right of dominion, and are apt to consider themselves politically lords of the land as well as landlords. These causes have both impressed the Colonial Government with the necessity of buying off this title, and have made it so very onerous to them to buy off.

40. And the Home Government having recognised either a possessory or proprietary right in the parties in possession of the land, and that right, whatever it is, having increased in value with the increased prosperity of the colony, the inhabitants think they have a claim upon the Home Government to lend them a large sum in capital at once, to deprive these natives of their proprietary right so increased in value?—I do not quite understand it in that way myself; that is not exactly the impression upon my mind. The impression upon my mind is that the colonists are moved, not by any wish to deprive the natives of land which it is desirable they should keep or enjoy, but by the feeling, that so long as the tribes, with large tribal rights as it were, stand between the settlements and their expansion inland, so long must there be

opposition of interests and wishes between the natives and the whites; and that this state of things is mainly caused by this country having recognised this tribal right. I may mention that if an individual native has land, his right to that land is like that of any other landlord; but the right recognised in the tribes is independent of this.

41. Sir *John Pakington.*] A territorial right?—Yes; a territorial right, and this right is what the colonists are so anxious to extinguish. They say that this becomes a matter of exorbitant demand upon the part of the natives; it is driving a hard bargain; in short, it is not that they really need the land, but they use it as a means of making money out of the Europeans.

42. I understand you to say that the natives, finding from the circumstances in the colony that the value of this right, whatever it be, is increasing, it is the interest of the colonists to buy it up at once?—That is the view of the colonists.

43. And that is the foundation for the application to this country to guarantee the loan of a large sum of money to enable the colonists to acquire from the natives this right, whatever it may be, now, to prevent its having to be purchased at a higher price hereafter?—That, I think, is the case.

44. Lord *Stanley.*] Is there a power in the arrangements which are proposed, or anywhere else, of buying up this land compulsorily?—No; I am not aware of any such power.

45. Therefore it is now, as at any future time, a matter of private arrangement?—Yes.

46. Mr. *Adderley.*] With regard to what you have just stated as to the object of the colony being to settle the question at once, do you consider that the Home Government also have an interest in the debt being discharged?—I consider that they have a very great interest in anything which will remove causes of difficulty between the natives and the Europeans; whether this arrangement will do so or not, is a matter for the Committee's consideration. The Home Government has a direct interest, inasmuch as a considerable military force is maintained in New Zealand simply for the purpose of keeping peace between the Europeans and the natives.

47. Is there no ultimate liability also upon the Imperial Treasury for the New Zealand Company's debt?—I can hardly answer that; it is a lawyer's question. If the colony do not pay, the Treasury, according to some opinions, must.

48. Mr. *Lowe.*] That is not said in the Act?—No; there are no words in the Act to that effect.

49. Mr. *Henley.*] Can you give the Committee any information as to the aggregate amount of land sold for the last few years, and the price?—No. Since the dealings with the land have passed into the hands, under the Constitution Act, of the local government, our accounts are very imperfect.

50. Can that information be supplied from any quarter?—In the Middle Island, as I understand, the slight rights the natives ever had there have been all but extinguished, so that the available land is practically unlimited. In Canterbury, Otago, and I believe Nelson, they may get as much land as they please.

51. Can we have any information as to what quantity of land has been sold, and what is the demand for land by persons settling in the colony?—I am not prepared with that.

52. Mr. *Lowe.*] Can you state the grounds upon which it is considered that the New Zealand Company have a claim upon the Treasury for that money?—The Act of 10 & 11 Vict. c. 112, says, that upon the reversion, as aforesaid, to the lands, there shall be charged upon and paid to the Company, out of the proceeds of all future sales of demesne lands, the sum in question. And I believe it is argued that Parliament, which passed this Act, is bound to see that that sum is paid to the Company and that supposing the colony were not to remit here the proceeds of all future sales of demesne lands, the Home Government would have to see that those proceeds were paid, and consequently if the Home Government could not get the money from the colony it must pay itself. I believe that the Treasury have practically acted upon this view. In divers instances they have paid, knowing that sales were effected in the colony, before they got the money, and they have afterwards received the money.

53. You did not mean to say that supposing the land actually failed, the

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home revenue would be liable for the sum, but only that Parliament was bound to see to the application of the revenue to the payment of the debt?—Exactly so.

54. Sir *John Pakington.*] You have put in a statement of the revenue of New Zealand for the year 1854; can you state how that revenue would stand as compared with other years, either before or since?—I can state how it is compared with previous years, but not as compared with subsequent years, for I find on inquiry that we have no detailed statement, except for 10 months of 1855.

55. Has the revenue of New Zealand been progressively increasing of late years?—Yes, largely.

56. *Chairman.*] Do you believe that on the whole New Zealand is a prosperous colony?—Very much so.

57. There is not so much speculation as there is in the Australian colonies, but it is a very solid prosperity?—As far as we can judge; and it is very much increasing. There has been no discovery of gold of any consequence.

58. It is not a land of great sheep walks, is it?—Yes; Canterbury, and great part of the Middle Island, have extensive sheep walks.

59. But except Canterbury, is there much sheep-walk?—I believe there is also in Otago.

60. Mr. *Henley.*] Is there any offer in any part of that communication from New Zealand to fix a permanent impost upon the community there, the receipt of which should be a pledge for the payment of the principal and interest of this loan?—They offer to pledge the general and territorial revenue.

61. Was anything offered to make any portion of that revenue permanent?—I think I have read all that there is; I am not aware of any such offer.

62. *Chairman.*] Could they, for instance, reduce the Customs revenue so as to defeat the object of the guarantee, and render it inadequate to secure the payment of the interest?—I suppose they could, if Parliament did not take care to preclude them from doing so.

63. Sir *John Pakington.*] The land revenue is, of necessity, a permanent revenue?—They might make it illusory.

64. *Chairman.*] In their own Bill they do not propose to guarantee the amount of the Customs revenue being sufficient to meet those charges?—The Loan Act states that it shall be lawful for the Crown to appoint agents for raising the loan; that the interest shall be payable in London; that all sums of money borrowed and raised under the authority of that Act, and the interest thereon, shall be made a first charge upon the general revenue of the colony of New Zealand; and then the 9th section says, "For the purposes of this Act the general revenue of the colony of New Zealand shall be deemed and taken to include all the revenue which shall arise from duties of import and export, from post-office receipts and Supreme Court fees, from the disposal of the waste lands of the Crown, and from all taxes, duties, rates, and imposts, levied or to be levied by virtue of any Act of the General Assembly of New Zealand." That little paper which I handed in showed you that the General Assembly, in fact, has nothing but the Customs and waste lands.

65. If there was not money enough to meet the charge in respect to this loan, in truth there would not be a shilling left for any purpose whatever in New Zealand?—For the purposes of the General Assembly; but the Provincial Councils raise separate revenues.

66. Might not that security be a good deal invalidated by the charges in the colony being provided for by the provincial legislatures, leaving the general government to do as well as they could without revenue at all?—By the Constitution Act, the Provincial Councils can raise no customs duties.

67. Mr. *Lowe.*] There is a strong anti-federal feeling in the provincial governments, is there not?—In some of them.

68. So that the contingency upon which we should alone rely for the payment of this debt, namely, that the colony could not have any general expenditure till it was paid, would not be a very formidable one to those assemblies?—No; not so far as the matter of feeling goes.

69. *Chairman.*] Do you think that it would be possible, in case Parliament thought fit so to do, to make some provision in the Act by which that danger might be guarded against?—It would of course be practicable. I do not see how

how it could be done without very materially altering the powers of the constitutional bodies.

70. Would it not be obligatory upon the colonists to keep up the Customs revenues to a certain amount?—Yes, it might be made so.

71. Sir *John Pakington.*] You have given the Committee the revenue for the year 1854; can you give also the expenditure for the same year?—I have not it by me.

72. Have the colony a surplus revenue?—I do not think they have.

73. Have they at present a debt?—Yes. There is another Act now before us, namely, the Debenture Act, for raising 100,000 *l.* by debentures to pay off old liabilities.

74. Can you inform the Committee what is the present total amount of the colonial debt?—No. There is a statement that I have, which appears to be authentic, taken from the "Australian and New Zealand Gazette," of December the 20th, 1856. It is stated, "In the speech in which Mr. Sewell expounded this comprehensive scheme, he showed that it would be necessary to provide at once for the following liabilities: To the Union Bank, 14,083 *l.*; on deposit accounts, 5,634 *l.*; on New Zealand Company's fourths, 26,000 *l.*; balances due to provinces, 3,000 *l.*; outstanding liabilities on contracts for purchase of native lands, 31,000 *l.*; surveys, 4,000 *l.*; old debentures, &c., amounting, with other matters, to above 100,000 *l.*" That seems to be the way in which that sum is made up; but I cannot explain it more in detail.

75. Mr. *Henley.*] I understood you to say, that you could not state the amount of the revenue?—Not further than by a paper which I handed in, which gave the Customs at 105,692 *l.*

76. *Chairman.*] Do you suppose that if this loan were raised, it would be the entire debt of New Zealand?—I cannot answer that question.

77. Mr. *Lowe.*] You spoke of shares and contracts, and liens on shares of the New Zealand Company, which are held by the Imperial Government; what is the nature of that transaction?—There were a good many shareholders who did not pay up in the course of the proceedings of the New Zealand Company, and when the New Zealand Company wound up its affairs, its assets became the property of the Government by a separate agreement. All its assets therefore passed to the Treasury. Among those assets were the debts due to the Company, and among the debts due to the Company were sums of about 13,000*l.*, chiefly in respect of shares not paid up; part if not all of that has been recovered.

78. Is that the debt which appears in some of the papers to have been due?—I do not remember.

79. That is paid then, is it?—It is, I believe. I am not certain, the matter being in the hands of the Treasury.

80. *Chairman.*] Are you able to give the Committee any information with regard to the debts that have been incurred by the separate provinces in New Zealand?—The provinces have, under the constitution, a power of levying taxes, except customs; and it seems to follow that they have a power of contracting loans also, and they have done it, but to what extent it is very difficult for us to answer, inasmuch as the Acts of the provinces are sanctioned by the Governor only, and not by the Crown; therefore we have not necessarily complete information about them. I have with me a despatch relating to the loan contracted by the province of Wellington. On the last intelligence they were about to borrow 100,000*l.* as I understand, to clear off a former loan of 50,000*l.* and for certain additional purposes; but I can give no further information about it. They have the power of doing so, at all events.

81. Sir *John Pakington.*] Does not the Governor report home with regard to all important acts passed by the provincial legislatures?—He does so now; but for some time after Sir George Grey's departure, we had no such information at all.

82. It is the rule that all important provincial Acts should be reported home?—It is now the rule that all provincial Acts should be reported home, but that has only been done lately.

Henry Sewell, Esq., called in; and Examined.

83. *Chairman.*] HOW long have you been connected with the colony of New Zealand?—I have been connected with the colony upwards of four years.

 84. You

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84. You mean that you went out to the colony four years ago?—Yes.

85. Where did you go to?—To Canterbury.

86. When did you become connected with the Legislature of New Zealand in any way?—I became a member of the General Legislature in 1853. I was elected at the latter part of 1853. I sat as a member in the first session in 1854.

87. You were elected by Canterbury?—By Christchurch, one of the districts of Canterbury.

88. You are at this moment a member of the executive council?—I am.

89. In point of fact you are at the head of the Government of New Zealand?—I was till I left.

90. What was the situation which you held?—Colonial treasurer. I did hold the situation of colonial secretary for a short time; then there was a change of government, and upon another change, when the party with which I was connected returned to office, I was colonial treasurer, and I held that office until I left the colony.

91. Is the colonial treasurer always considered the chief minister?—No, there is no rule as to the lead.

92. In point of fact you managed the conduct of the government in the legislature of New Zealand till you came away?—Yes. I should state, that there was another gentleman with me, a member of the executive council, who had a sort of co-ordinate position with me, namely, Mr. Stafford, who is at present at the head of the government, but he held no official situation. I was the medium of communication with the Governor.

93. In that capacity you had to consider the course that you should recommend to the legislature of New Zealand with regard to this proposal of a loan to liquidate the affairs between the colony and the New Zealand Company?—I had.

94. And you recommended the course which has been designated in the resolutions which were passed by the majority, and which have been read to the Committee?—I did.

95. By what majority were those resolutions passed?—There were two divisions with the same result in both cases, 19 to 10. The first was in committee upon the general question of these resolutions, and an amendment moved upon them by Mr. Fox; and the other was upon the adoption of the resolutions by the House. I will, if you please, refer to the proceedings. I observe the divisions are on the same question. First in committee, then on the adoption of the resolutions by the House.

96. Mr. *Adderley.*] What is the date?—That division was on the 26th of June.

97. Sir *John Pakington.*] The resolutions were adopted by 19 to 10?—Yes.

98. Mr. *Wise.*] What is the number of members composing the Assembly?—Thirty-seven.

99. *Chairman.*] Was there much discussion?—Yes, very great discussion, which lasted for several days. I may say that it was the great question of the session.

100. Mr. *Lowe.*] Was there any division in the Upper House?—No.

101. Sir *John Pakington.*] How was that minority of ten composed?—The leading party I may describe, perhaps, as the Wellington party, that is, the party representing the province of Wellington.

102. When you use the word party, you speak of more than one man?—Yes, the superintendent of Wellington, and three other gentlemen, though there were also three members for Wellington who voted with the Government.

103. Lord *Stanley.*] From Wellington, four members voted with the minority, and three with the majority?—Yes.

104. Sir *John Pakington.*] Will you be good enough to state what places the minority represented?—There are three members for Otago, and they all voted in the minority; and there were three members for Auckland, who voted in the minority; that, I think, would make the whole.

105. How do you explain the fact, that the gentlemen from Otago and the gentlemen from Wellington, who appear, from what we have heard to-day, to have very different interests in this matter, combined in that vote?—I have some difficulty in explaining it myself; but I think that this is the solution of it: By way of a counter proposition to the Government, Mr. Fox, who was the leader of the opposition

opposition to the Government, in lieu of that scheme of general adjustment, and separation of the burthens among the different provinces (which was the Government plan), held out the idea of fixing the contribution of 2*s.* 6*d.* an acre upon all the lands of the colony, to be a contribution from the land revenue to the general revenue, and then to leave those burdens common burdens. I should observe that there was no difference of opinion as to the expediency of raising the 500,000 *l.*; the whole question in dispute was, how to distribute the burden. The Government plan was to make each portion of the colony bear its own separate share. The counter proposal was to fix a charge of half a crown an acre upon the land revenue, to make that half a crown an acre in the nature of a sort of land-tax, general revenue, and then to borrow 500,000 *l.* upon the security of the general revenue; leaving the territorial revenue of the provinces subject to this half-crown an acre, to belong to the provinces.

106. Mr. *Lowe.*] You mean half a crown an acre on the land, when sold?—Yes. The Middle Island, in which Otago is situated, would have been very deeply interested in such a plan as that, because, as they would sell their land at a high rate, a contribution of only 2*s.* 6*d.* an acre would have been a very great benefit to them. But it would have been a great injustice to the Northern Island; and the province of Auckland would not consent to that, because, selling large quantities of land at a low rate, they would have to pay 2*s.* 6*d.* an acre upon a low acreable price for a large extent of acreage; the provinces of the Middle Island paying the same rate out of a large acreable payment, but upon a small quantity of land. So that when we came practically to try this scheme of the 2*s.* 6*d.* an acre, it was found to work very greatly to the advantage of the province of Otago and the Middle Island, but with such manifest injustice to the Northern Island, that the wonder was how the province of Wellington could have proposed such a plan, because Wellington and Auckland were in the same case. The only solution that I can offer is, that it was merely a plan for the purpose of frustrating the Government.

107. Sir *John Pakington.*] Am I to understand that that minority of ten were not indisposed to the raising of a loan of 500,000 *l.* upon the security of the colonial revenue, but that they only objected to the particular mode in which the burden was to be borne?—Precisely so.

108. With your local knowledge, in your opinion, would that apply to all the ten members?—To all. I may say that there would be an unanimous feeling upon the question of borrowing the money. Perhaps, if you will allow me, I will read the amendment, which will show the mind of the minority, "Financial resolutions—Land purchases." (This is the report of the divisions in committee.) "Motion made, and question proposed, that the following resolution be recommended to the House for adoption: 'That this House is of opinion that the administration of the waste lands of each province be transferred to the provincial government of such province, and the land revenue thereof made provincial revenue, subject to the following charges: The Province of Nelson,'" and so and so; then the resolutions follow, as they have been read by Mr. Merivale; then an amendment was proposed, "That all the words after the first word 'That' be omitted, with a view to insert the following in lieu thereof, "That this House is of opinion that the amount of loan to be raised to pay off the New Zealand Company's debt, 200,000 *l.*, to effect purchases from the natives in the Northern Island, and the amount necessary to be raised to meet the floating debt of the colony, say 100,000 *l.*, be consolidated and charged, together with the expenses of the general government, on the general revenue (customs and territorial); the territorial revenue to consist of 2*s.* 6*d.* an acre, and no more, on all land sold or alienated, except on mere pastoral licences, within the colony (not including those disposed of in satisfaction of scrip on land claims now in existence.)'" That was the counter proposal, viz., to borrow the 500,000 *l.*, but to pay for it by an acreable payment of 2*s.* 6*d.* an acre from the land, and out of the customs revenue.

109. In the event of the present proposal being adopted, would the 500,000 *l.* constitute the whole debt of the colonial government?—The whole debt of the general government.

110. Mr. *Henley.*] If I understand that amendment, it is this, that the minority were equally ready to borrow the money; that they were equally ready to charge it upon the customs duty; that they were equally ready to

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charge it upon the land revenue, but they wished to modify the land revenue, but saying that a tax should be raised of 2 *s.* 6 *d.* per acre?—Yes; that is correct.

111. *Chairman.*] I observe that it is proposed to hand over the land revenue in the different provinces to the management of those provinces?—Yes.

112. Would not that interfere with the system that now exists, by which all dealings with the natives with regard to their lands is specially reserved to the Governor?—No; because that would be expressly excluded.

113. Will you explain that?—In the Constitution Act (and there would be no intention of changing that part of the Constitution Act), with respect to the power of purchasing lands from the natives, the exercise of what is called the Queen's pre-emptive right is expressly reserved to the Governor. There is a power to Her Majesty to delegate that authority to the superintendents of the provinces, but it is only in that form that the provincial authorities could have any dealing with the matter of the purchase of the native lands.

114. Unless that right of pre-emption is abandoned, and the right of exclusive management is also abandoned, the arrangement would be a dead letter?—The lands which are not as yet purchased from the natives, are not under the control either of the general or the provincial legislature until they have been purchased from the natives; they remain absolutely beyond the control of either the general or the provincial legislature.

115. In speaking of giving up these lands to the management of the provinces, you mean only such lands as have been already purchased from the natives?—Just so; those which constitute what are called the waste lands of the Crown.

116. Mr. *Lowe.*] Can you state the rate at which land is sold in New Zealand?—It varies in each province.

117. Begin at the south; what is it at Otago?—Speaking generally, I think land in Otago sells at the rate of 10 *s.* an acre, but with a liability to improve; to expend a certain sum of money upon improvements, raising the value to 40 *s.* an acre.

118. *Chairman.*] What is the condition of your revenue and expenditure at the present moment?—The customs revenue may be taken, *communibus annis*, at 100,000 *l.* a-year, and the land revenue, *communibis annis*, at 80,000 *l.* a-year. With regard to the expenditure, there is first the civil list, which is 16,000 *l.* a-year, reserved under the Constitution Act; then there are the appropriations, which of course vary, but I think you may take them at 35,000 *l.* a-year; that has been about the average, and the residue becomes distributable amongst the provinces under the provisions of the Constitution Act; it becomes in fact provincial revenue, and that surplus constitutes the revenue of the provinces. If you take the general government and the provincial governments together, there is of course no surplus, because the whole is expended upon provincial works and other things; but as far as the general government is concerned, there would be a balance of perhaps about 20,000 *l.* or 30,000 *l.* upon the general revenue, exclusive of the territorial revenue.

119. Sir *John Pakington.*] Upon what year are you founding that statement?—The last year, but I rather have in view the revenue of the last three years.

120. What do you mean by last year?—1856. I was in the Government up to October 1856, and therefore I know the state of affairs up to that time.

121. You are aware that the figures which you have now given to the Committee, are considerably below the figures which we have had put in this day, as the revenue of the year 1854, which show the customs to be upward of 100,000 *l.*, the land to be upwards of 100,000 *l.*, and the miscellaneous revenue, some 5,000 *l.* or 6,000 *l.*, showing a total of 220,000 *l.* or 230,000 *l.*, instead of 180,000 *l.*, as you have stated. Do you mean to state that the revenue of 1856 was 45,000 *l.* less than the revenue of 1854?—It was less, and by some considerable amount. The fact is, that the year 1854 would be an unfair criterion. There were large imports at that time; a great import through the Australian colonies, and there was a large extent of land purchases in that year from the first effect of the opening of Sir George Grey's New Land Regulations, which, in some of the provinces, reduced the price of land considerably; large purchases of land were made then, which, I think it would be scarcely fair to calculate upon as permanent revenue, but I have taken the last year, which I suppose we may assume

to

to be the standard revenue of the colony, and which would gradually progress as the colony progresses.

122. Without comparing the year 1854 with the year 1856, what is your opinion as to the progress of the revenue for the last 10 years?—It has progressively increased.

123. Do you think that it is likely progressively to increase?—I cannot doubt it.

124. *Chairman.*] Have the rates of duties upon Customs been altered?—Yes, in the last session we raised the duty upon some articles and altered the tariff upon others, but upon the whole, our revenue was rather increased than diminished thereby.

125. Is it at all probable that the Customs duties might be so altered as to make that a very insufficient source of revenue as a security for the loan?—It would be so very suicidal, that it is not credible we should make such an alteration, because as the charge for this loan would be the first charge, of course we should have no available funds till we had satisfied it. I do not mean to say that it might not be competent to the Legislature to do so, unless it were restricted by the Act of Parliament. It may or may not be a reasonable restriction to lay upon the colony, that no alteration of the Customs should be made without the Queen's assent.

126. I believe the separate provinces have the power of contracting debts themselves?—Subject to the Governor's assent.

127. Do you know to what extent that power has been exercised?—Not to the whole extent. I could name some of the debts contracted by the provinces.

128. Can you state what debt has been contracted by your own province?—The province of Canterbury has contracted a debt of 28,000*l.*, for the purpose of satisfying the liabilities of the Canterbury association, and I have heard that they were contracting a loan for the purposes of emigration and public works, to the amount of 20,000*l.* or 25,000*l.* more; whether that has been contracted for I do not know.

129. What is that charged upon?—Upon the provincial revenue; the provincial revenue is the surplus of the general revenue.

130. It is charged upon the general revenue, in fact?—Practically so.

131. *Chairman.*] The changes of administration in New Zealand have been rather rapid of late years, have they not?—There have been only three.

132. In how long a time?—I think I was the first who took office; I was turned out, and I then took office again; there was only one change of administration, which lasted about ten days or a fortnight.

133. Lord *Stanley.*] Have you been the single administration, with that exception?—Yes.

134. *Chairman.*] Have your party differences in New Zealand been chiefly sectional or political?—They are both; they are not merely local: they are local so far as the interests of one part of the colony are at variance with those of another.

135. For instance, are there members in the present administration who represent all parts of New Zealand?—The present administration represents both Northern and Southern islands. The Attorney-general is a member of the upper house; he represents the province of Auckland; the Colonial Treasurer is from New Plymouth; and the Colonial Secretary is from Nelson.

136. Do you think that if those gentlemen who are now members of the opposition, and who protested against this scheme, were to come into office supported by a majority of the Legislature of the colony, there would be any danger that they would be very unwilling to carry into effect the provisions of a scheme against which they had protested, and that they might throw great impediments in the way of the working of the system, and thus put in jeopardy the security of the payment of the loan in that country, and so throw it ultimately upon the mother country?—I think there is not the slightest risk of it. I speak upon this subject, being personally upon terms of intimacy and friendship with many of the members of the opposition.

137. You think that, as a matter of good faith, if an arrangement of this sort were concluded, if the mother country had given the guarantee, all parties in New Zealand would honourably fulfil the engagements which the Legislature, the Government of New Zealand, had entered into on the part of the colony?—

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I have not the slightest doubt of it; and I think I may add also that, in my opinion, this proposal does generally meet with the views of the colony at large.

138. Are you speaking of the general proposal with reference to the Imperial Government, or of the application of the money in New Zealand itself between the different parties?—I mean the scheme taken as a whole.

139. Suppose that an attempt were made to carry this operation into effect, without the guarantee of the Government, by the credit of the colony itself, do you believe that the colony would have great difficulty in raising the money on reasonable terms?—Since I have been in London I have asked the question, whether it would be practicable for the colony to raise on its own credit a loan of 500,000 *l.*, and I am told that we could only raise it at 8 per cent.

140. I believe some of the colonists in Australia have raised money very extensively on reasonable terms?—I am not able to speak with any knowledge on that subject. Our position is different from that of Australia; we could not raise money on such favourable terms as they could.

141. Sir *John Pakington.*] Upon what terms do you expect to obtain the money with the Imperial guarantee?—I think 4 per cent.

142. Mr. *Henley.*] When you speak of 8 per cent., do you mean exclusive of the sinking fund?—Yes.

143. You said that you had no certain knowledge of the debts of other portions of the colony, excepting Canterbury?—No, I have not.

144. Can you give the Committee an approximate estimate of the amount?—I should say that Auckland, probably, may have a debt of 50,000 *l.*, and they were proposing to borrow more; whether they have done so or not, I do not know, but I fancy not; I think Wellington has raised 50,000 *l.*

145. Is it within your knowledge, when those sums of money were borrowed, upon what security they were borrowed?—Upon the security of the general revenues of the province; that is, the shares of the surplus general revenue, and some items of provincial revenue. If this arrangement were made, the territorial revenue of each province would be disengaged, subject to its specific portion of this charge.

146. Assuming there to be a debt at present in existence of 150,000 *l.*, which from your impression seems to be something like the case, how would the proposed debt be made a first charge upon the general revenue; because, if I understand it rightly, this 150,000 *l.* now, has a claim upon the distributive portion of the provinces?—No; the provinces have only an interest in the possible residue of the general government. The general government has the right, in the first instance, of dealing with and appropriating whatever portion of the Customs and land revenue it pleases; whatever the general government does not so appropriate or dispose of, falls back to the provinces from which the revenue has arisen, so that the charges of the general government would take, under any circumstances, priority over any charges created by the provincial governments.

147. The Governor assents to these loans, I understand you to say?—The terms of the loans would, of course, only give a security upon the residue; it is only the residue of the revenue.

148. If I understand you rightly, the respective provinces cannot raise money upon loan without the assent of the Governor?—They cannot.

149. So far as good faith goes, the Governor would be pledged almost to see that nothing was done with the revenue to defeat those creditors, would he not?—As a matter of individual opinion, I hold that the colony at large would of course be bound to see to the payment of whatever moneys were borrowed by the provinces, but that is only as a matter of good faith.

150. *Chairman.*] The Governor gives his assent, not in his individual capacity, but by the advice of his responsible advisers?—He does.

151. Do you think that it would be reasonable if a Bill of this sort were passed to put any restriction upon the powers of the provincial legislatures of incurring fresh debt?—I can only give an individual opinion. I do not think that it would be an unreasonable thing to lay some restriction upon the provincial governments to prevent them from contracting improvident debts.

152. In what way would you suggest that that should be done?—It has occurred to me that it might be done by an instruction to the Governor (as the Governor's

Governor's assent is necessary to every Provincial Act) not to assent to any Bills passed by the provincial legislatures for raising loans, which he might deem to be improvident.

153. If that were merely done by the instruction of the Secretary of State, would it not be an interference with the principles of constitutional government by which the Governor is bound to be guided by the advice of his ministers?—No doubt that objection might be made.

154. Mr. *Henley.*] Do you know what the general rate of interest on this 150,000 *l.* is in the colony?—It is very high. I should say not less than 8 per cent.

155. Mr. *John Abel Smith.*] What was the date of the last census?—Speaking from recollection, I think it was 1855.

156. Do you know what the amount of the population was then?—We estimated it at 40,000; that is the whole white population of both islands.

157. *Chairman.*] If the available Crown lands were given up to the different provinces, would not that be in so far diminishing the security for this loan, which would be as long as they remained under the control of the general government?—I should suppose that if the lands are made security for this loan, some provisions might be introduced for enabling the Governor, on behalf of the Imperial Government, to appoint receivers. It is contemplated that the land revenue should pass through the hands of agents immediately responsible to the Imperial Government.

158. Is that provided for in the local Act?—In no other way than that the principal debt and interest is charged on the land revenue.

159. If you charge it on the land, and at the same time give over the land from the control of the local government to the separate governments, do you not very much diminish the practical security that is afforded by the existence of this fund?—I think not. What the provinces want is the administration; they want to regulate each for itself, the terms upon which it shall sell its land, it is not the power of actual receipt that it wants, but the power of management. The provinces are so deeply interested in maintaining their territorial revenue, that you cannot suppose they could have any other interest than that of maintaining the revenue which would be a security for this loan.

160. Sir *John Pakington.*] For what purposes were those loans raised by the provinces?—For public works and immigration, I may say exclusively.

161. Mr. *Lowe.*] Is it proposed that the creditors of the colony should receive the whole of the land fund first, in satisfaction of the interest, and then in satisfaction of the principal?—Practically, I suppose this would be the state of things, supposing matters went on in a regular train. Each of the provinces of the Middle Island is to take a portion of this debt on itself, and each of the provinces of the Northern Island is to take so much of the debt as will be expended within it in the purchase of native lands, so that the provinces will be so far debtors to the general government; then out of the land revenue of each of those provinces will be paid to the common fund of the general government the interest and sinking fund from time to time of its own quota.

162. And the rest of the land fund will be appropriated by the provincial legislature?—Precisely.

163. Do you include in the land fund pastoral licences?—I do.

164. Are they proposed to be pledged?—Certainly.

165. Is the revenue derived from them considerable?—It is considerable in Canterbury. I suppose, speaking roughly, the pastoral revenue of the colony may be 8,000 *l.* or 9,000 *l.* a-year.

166. You have stated that in Otago the price of land is 10 *s.* an acre, and that they require improvements to be made, what is the price per acre in Canterbury?—In Canterbury the price is 2 *l.* an acre; without improvements.

167. What is it in Nelson?—In Nelson it varies, but I think in general it is about 10 *s.* an acre.

168. What is it in Wellington?—In Wellington it is 10 *s.*

169. What is it in New Plymouth?—Of course you will understand that I am speaking only of the general price, because there are what are called special settlements. In New Plymouth I think the price is 1 *l.*

170. What is it in Auckland?—I think it is 10 *s.*

171. Is there much competition between the colonists to undersell each other in the matter of land?—I think not.

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172. Supposing the colony were to lower the price of its land, I presume that would increase the quantity of land sold without much increasing the amount of money received?—Yes.

173. As the surplus would go to colonial purposes, after the payment of the interest and the sinking fund, would not such a proceeding *pro tanto* diminish the security of the Government upon the land fund?—No doubt, it might be so; but the extent of land is so large that it would never practically have that effect.

174. Are you in possession of any act of a provincial legislature for contracting a loan?—I am not.

175. How does such an Act run; does it pledge the revenues of the province generally?—I imagine, speaking from recollection, it would pledge the revenue of the province, whatever it was.

176. Canterbury has pledged the surplus of the revenue which comes to it for 28,000 *l.*?—Yes.

177. The Governor of New Zealand has assented to that?—Yes.

178. Do you think that the central government would not see in that transaction any obstacle to their pledging it to the English Government?—It would not be the same revenue.

179. But it would be the surplus?—If it were a specific surplus, no doubt it would be so. The whole revenue of the colony is now at the disposal of the general government. The provincial government have only the disposal of whatever residues are left from time to time after the general government has been satisfied, and the security for those provincial loans is only that possible residue.

180. Although the central government may be a party to their pledging that, it would not feel itself bound in good faith to abstain from pledging it to the English Government?—I consider that there is nothing in point of law or fair dealing to restrict the central government from borrowing for its own provinces.

181. Is the land fund pledged to the creditors of Canterbury?—You ask me a question which I do not know that I can quite satisfactorily answer. I wish to explain that I am not myself personally favourable to the general principle of provincial loans.

182. Is the land fund in Canterbury pledged?—It is only the surplus revenue, whatever it may be; whether general or land revenue.

183. There are three sources of provincial revenue, the land fund, the surplus, and some small revenue collected by licenses?—Yes.

184. The revenue from that last source is very small?—Yes.

185. You do not know whether the land fund is pledged or not?—Not specifically.

186. Lord *Stanley.*] The creditors of the provincial governments were aware of that state of things when they lent the money?—Yes, and they look to their security just as any other lender does; they know that the provincial government can pledge nothing but subject to whatever may be the prior claim of the general government.

187. And that is just as much the case now, as it will be in the event of the proposition which we are discussing becoming law?—Precisely.

188. *Chairman.*] The whole of this question with regard to the guarantee originates in the relations between New Zealand and the Company?—I should say that it does; because, but for that, we might be able to bear a smaller loan.

189. Are those relations, as they now subsist, exceedingly inconvenient?—Very.

190. Why so?—Practically, at the present time, the whole of the land fund is absorbed in paying the Company's debt, and providing for the purchase of the native lands. I have assumed that the land revenue is 80,000 *l.* a year. The cost of surveys and management may be 20,000 *l.*; of course that may vary. The sum spent in surveys might be reduced. The proportion of the Company, in round figures, may be taken at 20,000 *l.* a year more, and the sum which is now in course of current payment for the purchase of the native lands is 40,000 *l.*, practically exhausting the whole of the land fund.

191. Would it be a great saving in money expense, if this scheme could be carried into effect, if the engagements of the colony to the Company could be swept

swept off, and the payment of the interest, and the money necessary to effect that operation, substituted?—A very great saving.

192. In what way?—It would substitute the payment of 30,000 *l.* for what is now 40,000 *l.*, and the fourth of the land fund, whatever it may be, that would be 60,000 *l.*; it would be reducing the charge from 60,000 *l.* to 30,000 *l.*; but it would have the additional advantage besides, that of providing a capital fund for the purchase of the native lands.

193. You speak now of the 500,000 *l.*?—Yes.

194. Supposing Parliament was willing to accede to the 200,000 *l.* and not to the 500,000 *l.*, if the proposal were referred back to the colony, do you think that it would not be accepted?—It would not be accepted. The question was raised in the Legislature, and was distinctly negatived. There is no object in exonerating the lands of the Middle Island from the Company's charge, so long as you leave its land fund liable to be wholly absorbed in the purchase of native lands in the Northern Island. In fact, it would be a loss instead of a gain to the Middle Island.

195. It is your opinion that Parliament has the alternative of either guaranteeing the 500,000 *l.* or of not guaranteeing any, but that a middle course would not be acceptable?—Distinctly.

196. Mr. *Henley.*] You have stated that the present payment to the New Zealand Company out of the land fund is about 20,000 *l.* a-year?—Upon 80,000 *l.* I have estimated 20,000 *l.*

197. It has been stated in evidence to the Committee that the present interest of 10,000 *l.* is paid upon 100,000 *l.* debentures; that another sum is 30,000 *l.* Assuming that, instead of 500,000 *l.*, a sufficient sum to discharge the 200,000 *l.* to the New Zealand Company, and the 100,000 *l.*, the existing debt of the colony was provided, that would be 300,000 *l.*, and that at six per cent., which is what you propose to raise the money at for the sinking fund, would be 18,000 *l.* charge to the colony instead of 30,000 *l.*; would not that be a great benefit to the colony?—That would provide no money for the purchase of native lands.

198. That would leave you the whole proceeds of your land fund to apply to the purchase of native lands, which you do now?—The Middle Island which has no lands to be purchased, would have its whole land fund absorbed, and would get no benefit.

199. Still so far as the financial operations of the colony are concerned, it now being encumbered with a debt, which is offered to be compromised for 200,000 *l.* by the New Zealand Company, on the one hand, and a debt of its own of 100,000 *l.*, for which it pays 10 per cent, it would be a great substantial gain to the colony to be able to clear its liabilities and save 12,000 *l.* a year, would not it?—So far it would be; as a matter of account, no doubt we should be gainers by the slight difference of interest.

200. To save 12,000 *l.* a year in hard money, upon a revenue amounting to what the New Zealand revenue amounts to, surely is a matter of substance and not of account?—You leave out of sight the purchase of native lands.

201. That is wholly a prospective object, as I understand, which is desirable to be effected now to prevent a future increase of the value of those native lands, on account of the increased prosperity of the colony?—It is more than that. Here are two charges which bear upon the land fund; and the Middle Island, which is a large portion of the colony, has no interest whatever in redeeming the Company's debt, so long as the whole of its land fund is liable to be taken for the purchase of native lands in the Northern Island.

202. But the land fund would no more be liable to be wholly applied after this to the purchase of the native lands, the New Zealand Company's arrangement being swept away, than for anything else, would it; it would be subject to future arrangements?—The Governor has the power, under the Constitution Act, of taking the whole of the land fund for the purchase of native lands, without the approval of the Assembly; and if you do not give the Governor the power of taking the land fund for the purchase of native lands, you must give him funds from some other source; you cannot leave the purchase of native lands unprovided for as a matter of general policy.

203. Still, as it seems to me, that you, wanting a sum of 200,000 *l.*, ask this country to guarantee the interest and redemption of that money solely for the purpose of applying it to the present purchase of the rights in lands from

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natives, upon the ground that it would be more advantageous to purchase now than in the course of succeeding years?—No doubt that is a very important reason; it is not the sole reason.

204. It is an important element?—No doubt it is.

205. So far this country would be pledging its credit to whatever extent that goes, to raise a sum of money for the colonists to enable them to get hold of rights now which would become more valuable in the hands of the natives in the lapse of time?—Yes.

206. Mr. *Adderley.*] Is not one great object of the large loan to get the consent of the general legislature to the small loan for the liquidation of the debt which you could not get without the larger loan being agreed to also?—The whole is so mixed up that you cannot deal with it piecemeal. One part of the colony will not agree to borrow for one purpose, and another part of the colony will not agree to borrow for another purpose.

207. But they will all agree for the double purpose?—Yes.

208. You want the second proposition in order to gain the first?—Yes.

209. *Chairman.*] The Parliament and the Government of this country would not be in any way pledged to the expediency and propriety of the particular distribution of this sum between the different provinces?—I think that they would not.

210. Mr. *Lowe.*] The Middle Island objects to having its money spent in extinguishing a debt in the Northern Island?—Yes.

211. And the Northern Island objects to having its money spent in extinguishing a debt in the Middle Island?—Yes.

212. Each is willing to have a part of the loan applied to the other, provided it gets its own share?—Yes.

213. Can you state what is the duty upon spirits?—I think it is 8 *s.* a gallon.

214. On all spirits?—Yes.

215. That is very high, is not it?—It is not so high as it is at Melbourne.

216. Have you much smuggling?—None whatever.

217. You put it as high as you could without danger of smuggling?—Yes. We could not venture to put so high a rate upon tobacco as in the Australian colonies, because it might be smuggled.

218. What is the duty upon tobacco?—It is 1 *s.* 3 *d.* a pound in New Zealand.

219. What is the duty upon beer?—Ale, beer, cider, and perry in wood, 6 *d.* per gallon; ale, beer, cider, and perry in bottle, 1 *s.* the gallon; cigars and snuff, 3 *s.* the pound; coffee, chicory, cocoa, and chocolate, 2 *d.* the lb.; iron, rod, tar, bolt, hoop and sheet, not otherwise manufactured, 1 *s.* per cwt.; salt, 1 *s.* per cwt.; spirits, and strong waters of every kind, sweetened and so forth, 8 *s.* a gallon; sugar, raw and refined, and so forth, ½ *d.* the lb.; tea, 3 *d.* the lb.; tobacco, 1 *s.* 3 *d.* the lb.; wine, in wood and bottle, containing less than 25 per cent of alcohol, and so on, 3 *s.* the gallon; wood of all kinds not manufactured into furniture, 2 *d.* the cubic foot; boots and shoes, hats, apparel of all kinds, and all material for making apparel, jewellery, cutlery, clocks, and so forth, 3 *s.* the cubic foot; all other goods, wares, and merchandise, 1 *s.* the cubic foot, or at the option of the principal officer of customs at the port of entry at which the same shall be imported, 2 *s.* the cwt. I have given the substance of the tariff.

220. Do you think that tariff a reasonable one, and one that is likely to be permanent?—It was urged strongly upon the Government by the Chamber of Commerce of Auckland and by the officer of the customs at Auckland; all concurred; and I may say, as far as Auckland was concerned, it has been found to work extremely well.

221. Is the collection of the customs entirely in the hands of the central Government?—Entirely.

222. *Chairman.*] At what ports are the customs principally collected?—At the six principal ports, Auckland, Wellington, Nelson, New Plymouth, Port Lyttleton, and Otago.

223. Do you recollect, taking the two islands, what proportions of the customs' duties were collected in the two islands?—I could not state that.

224. Are the duties much more in the Northern Island than in the Southern Island?—Considerably more.

225. Is

225. Is Auckland the greatest port, so far as regards customs' duties?—Very much the greatest.

226. What is the proportion of the population of the two islands?—I think Auckland would be about 14,000; Wellington about 8,000; New Plymouth, between 3,000 and 4,000; Nelson, 6,000 or 7,000; Canterbury, barely 5,000; and Otago, about 3,000. I am speaking now from just mere loose impressions.

227. Mr. *Henley*.] The population which you have given is European?—Yes.

228. *Chairman*.] The burden of the customs' duties falls a good deal upon the native population?—No doubt; there is a large contribution from the native population.

229. Mr. *Henley*.] What relative proportion do you think the natives bear to the Europeans, in point of numbers?—It is very difficult to estimate the numbers of the native population. There is no accurate census; as far as a rough guess, I do not estimate them at more than 60,000 altogether.

230. What is the aggregate of the European population?—Nearly 40,000.

231. Is the native population increasing, decreasing, or stationary?—It is decreasing.

232. Rapidly or otherwise?—It is very difficult to say. My own impression is, that it is rapidly decreasing.

233. *Chairman*.] At Canterbury you have not much means of becoming acquainted with the state of the native population, have you?—In the Middle Island there are not above 3,000 in the whole; the great bulk is in the Northern Island.

234. And chiefly in the northern portion?—Principally in the northern portion; there is a large portion in the south. I think I have heard that 18,000 is the native population in the southern portion.

235. Mr. *Henley*.] Has the sale of the possessory rights of lands, in your opinion, anything to do with the increase or decrease of the population?—My own opinion is, that the extinction of their tribal right and the substitution of an individual title to land is the first step, and the most important step, towards, if possible, saving them. So long as they remain in their tribal state, I do not think that any solid and permanent measure of amelioration can be applied to them. We passed an Act in the last Session to enable the Governor to deal with the native reserves, and to give to the natives individual grants of land; and I may speak of the general opinion amongst persons best qualified to form an opinion upon that point, that that is the first and most important step towards raising them from their present condition.

236. In the application of public money to the extinction of tribal or corporate rights, is any, and if any, what facility given to the natives to get individual rights?—In all land purchases, reserves are made for the natives. Hitherto those reserves have been made merely by way of exception; they have been left with the tribal rights still running over the reserved lands; but provision has been made in the Act of last Session, to enable the Governor, with the consent of the natives themselves, to extinguish the tribal rights over those reserved lands, and to make individual grants to the natives; and that plan would be pursued generally as part of the policy in making native land purchases.

237. In giving a sum of money, upon the part of the colony, to extinguish the tribal right over a certain area of land, am I to understand that a certain portion of that land is set apart for the use of that tribe?—Not a portion of the same land; but, suppose this to be a tract of native land upon which, we will say, there is located a native village, the Government would deal with the natives for the extinction of the title over the land generally, but reserving and excepting the lands occupied by the natives.

238. That is to say the tribal right?—Yes, the tribal right; but then they would except from the purchase whatever might be requisite for the actual occupation of the natives.

239. Occupation in what sense?—The question of what lands should be excepted would be a matter of voluntary arrangement upon the part of the natives.

240. Would they reserve that as a tribal right, or as a proprietary right divided among the respective members of the tribe?—As a tribal right, in the first instance.

 241. Then,

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241. Then, in point of fact, you purchase the whole, excepting certain reserves which remain subject to the tribal right?—Yes; but then that Act of last Session would come into operation enabling the Governor, with the consent of the natives, to extinguish those tribal rights, and give them individual rights.

242. Having purchased the larger portion of the tribal right over a piece of land, and restraining the natives to a corner, you have some private Act of Parliament which, the natives consenting, would enable you to divide or subdivide that smaller portion among the inhabitants of that corner?—Quite so.

243. That is a right understanding?—Yes.

244. That operation is supposed to be likely to prevent the decay of the tribes?—It is, in my opinion, the most important and indeed only way of preventing their extinction.

245. Leaving them alone in the larger district with the tribal right is considered to render them less likely to exist than if they are driven up into the corner of it, and then that smaller portion is subdivided as proprietory?—So long as they remain in their present tribal state, you could do nothing with them; they are mere wanderers. If you can fix them upon portions of their land, and give them individual titles, and make settlers of them, you assimilate their condition to that of Europeans.

246. Remaining in the tribal state, you think it would be impossible for them to continue to exist?—That is my individual opinion.

247. Lord *Stanley*.] Is it not the fact that the native population is decreasing? Yes.

248. Has it decreased to any considerable extent?—I have heard such loose estimates of the number of the natives made, that if they were true, the decrease must have been very great. I have heard them estimated at 200,000, but I place so little reliance upon those estimates that I doubt it.

249. *Chairman*.] You mean originally?—Yes, originally.

250. Lord *Stanley*.] You think that the alleged decrease consists in the more accurate enumeration in present times as compared with that which formerly existed?—Yes; the difference of the estimate no doubt arises partly from the more correct calculation now, but partly also from a very considerable decrease in their numbers.

251. To what extent have they become settlers?—That is a very difficult question to answer.

252. Is there any part of the country in which a considerable number of them have abandoned wandering habits, and have settled down to the habits of civilised life?—I should say in no part any considerable numbers; here and there individuals, particularly in the immediate neighbourhood of settlements, have fallen into the habits of the settlers; but they are rare exceptions. The bulk of the native population remains still in its tribal state.

253. Whereabouts, at the present time, is the most dense native population?—In the neighbourhood of Auckland.

254. With regard to their being left in the occupation of their lands at present, I suppose that is impossible consistently with the requirements of a growing colony?—The time, no doubt, would come when, as the European population advances, if they require land, a pressure would arise upon the native population; that case has not arisen yet. I do not myself desire (speaking individually), so much the extinction of the native title for the mere purpose of satisfying the requirements of colonisation, as I do for the general purposes of government. May I be allowed to read a letter which I received this morning from the Chief Justice of New Zealand, whom I wrote to, to ask if he would be good enough to attend the Committee.

255. *Chairman*.] You mean Chief Justice Martin?—Yes, Chief Justice Martin. I may state that Chief Justice Martin has been in the colony from its earliest date, and is considered to be the person most conversant with the actual state of the natives, and who takes a deep interest, and sympathises very much in everything concerning their welfare. I wrote to him to ask if he could, without risk of his health, attend the Committee to-day for the purpose of speaking upon this subject, as to the purchase of native lands; he says,—"My dear sir, The short time I spent in town threw me back so much that, after a week's absolute rest, I am not rid of the unpleasant sense of weakness in my back, you will not be surprised therefore at my shrinking from another visit to London at present, if there be any means of effecting the object

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object in another way. As to the points mentioned in your note, I can state my opinion at once. First, as to the soundness of the policy of buying up the native lands largely and without delay I have no doubt, provided such policy be pursued quietly and patiently. Any demonstration of haste on our part would probably awake suspicions which slumber now, but purchases should be made as soon as practicable, not only because delay greatly increases the ultimate cost, but also because the extension of the Crown title carries with it a practical extension of English law and usages, the Maoris readily acquiescing in the principle that Maori customs are not to be followed on the Queen's land." I may state that the converse of that is true; that until they have surrendered their territorial rights they do not consider themselves practically subject to British law. "A greater concentration of the native population is desirable for their own sakes." I think that answers the question which was put to me as to their being shut up in a portion of their lands. "Opportunities for the purchase of land are constantly arising, but are readily lost if not taken advantage of at the right time. I believe it to be extremely desirable that the Governor should have at his disposal a sufficient sum to meet these opportunities as soon as they present themselves. Second, I believe that the cession of the native title should be accompanied with Crown grants of portions of the land to individual venders; such an arrangement has been found greatly to facilitate purchases; also the change of title cuts away a vast number of causes of dispute and strife which cling to the land in its present condition. Many of the natives appreciate the advantages of such change." I may, with reference to that, say that I think the Imperial Government itself has a very strong interest in the rapid solution of this land question. The present state of the native title is really one of the greatest dangers to the peace between the natives and the settlers.

256. Lord *Stanley.*] Do you mean, in consequence of disputes among the natives themselves, or disputes as to what lands are owned by them, and what by the settlers?—Boundary questions arise; cattle trespass is a very growing evil; there are constant complaints of cattle trespass.

257. Mr. *Henley.*] Can you give the Committee any information as to what price is ordinarily paid for what you call tribal rights per acre, and upon what principle the money so paid is distributed among the members of the tribe?—Speaking in very general terms, I should say 1 *s.* an acre would be about the price, but that varies very much; in some cases it has risen to 5 *l.* an acre, where it has been close in the neighbourhood of a settlement.

258. Sir *John Pakington.*] Do you speak only of tribal rights?—Of the tribal right only.

259. Mr. *Henley.*] Getting rid of the tribal right of the land, I suppose, carries with it at once the power of the Crown to sell that land to other parties, does not it?—It does.

260. Therefore, as far as the colony is concerned, it is the acquisition of the land in fee?—It is.

261. You have stated that land generally, in the various colonies, in no place is sold at less than 10 *s.* an acre?—No, certainly not.

262. And yet the native right is extinguished for you?—Yes.

263. How is that difference explained, consonant with justice?—In the first place you must consider the extent; in extinguishing the native title over their lands, we extinguish, perhaps, 300,000 or 400,000 acres at a time.

264. That does not affect the value, if it is all of the same quality?—But that is not so; you might find portions of that tract of land that you would, perhaps, give 1 *l.* or 5 *l.* an acre for; but if you were to ask to buy 100,000 acres, you would not give 1 *s.* an acre for it.

265. To a certain degree that same observation applies to the general price that is maintained in other places; portions are worth a great deal more in some, a great deal less in others?—It is the difference between buying land in the mass and buying pieces; but, besides that, I should say the price for which land is sold by the Government is only a form of taxation, because all the proceeds are returned back to the land in the way of improvements.

266. The value of the land to the buyer is what he looks at in giving his money?—If you ask me my individual opinion, what you may call the value of the land in its normal state, is *nil*; until you add to it the advantages of improvement and cultivation, and bring people to it, it is *nil.*

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267. What you pay for is for the opportunity of applying your labour and capital to it, and getting the benefit to yourself, and nobody else to have it; that is what you pay money for, in the case of all lands, is not it?—An individual purchaser, no doubt, pays that for it; but the Government, who receives the money, lays the money out in immigration and public works.

268. For such a purpose as the public choose to apply it?—Yes.

269. The Chief Justice said that it was very desirable that this land should be bought up quickly, because otherwise the price would be enhanced?—Yes.

270. In what way would it hurt the natives to get more money for their lands?—That certainly would not hurt them, but it might place it beyond the reach of the Government to purchase. The native is benefited by being taken out of the tribal state, and by the advantages which you then are enabled to extend to him, but which you cannot extend to him until you have obtained possession of his title.

271. Why is he to be more benefited by being taken out of his tribal state, and getting a less sum in his pocket for the extinction of it, than if he were taken out of his tribal state a few years hence, and received a larger sum in his pocket?—It is a question of the postponement of a great benefit.

272. Sir *J. Pakington.*] When the Government sell land to a settler at 10 *s.* an acre they sell the proprietary right?—They do.

273. When they buy tribal rights from a tribe at 1 *s.* per acre, they do not buy the proprietary right?—No.

274. That I apprehend to be the explanation of the difference?—That is so.

275. When a native sells his tribal rights for 1 *s.* an acre, what are the rights with which he parts?—It is the right of roaming over the lands without turning them to any useful account.

276. He does not part with either the right or the practice of cultivation?—None.

277. He does not part with any right to which one individual native has more claim than another?—There may be some cases of individual rights amongst themselves. I think there are; but in general they are mere common rights to the whole tribe.

278. In the event of any such individual right being established would not that right be respected?—Certainly.

279. In that case, there being a proprietary right, would the price be higher?—I have asked the question whether there are any cases of individual proprietary rights of those who can answer that question, and I think I may say that there are none.

280. Under those circumstances of what real value to the natives are those tribal rights?—Of no other value than as inducements for the purchase, and as a means of obtaining advantages upon the sale of those tribal rights to the Government. It is of no practical advantage to them.

281. That is a benefit entirely arising from the fact of the colonisation of the country by Europeans?—Yes. I wish to exclude from that those lands which they do actually cultivate themselves, and which in all cases are reserved. Those lands which they sell are those over which they have an unprofitable abstract right.

282. Lands actually possessed by natives in the sense of property, and which they use for the purposes of cultivation, are not the lands which come under this arrangement?—Quite so.

283. Do they in any case derive a value from those tribal rights in the same sense that a North American Indian derives a value from the territory over which he roams for the purpose of hunting ground?—No. At least, if there are advantages, it may be only the right of fishing, or something so small as not to be of any account.

284. They are not commonly used by the natives of New Zealand as hunting ground?—No, there are no animals hunted.

285. The value of those tribal rights arises from the fact that these islands are inhabited by Europeans?—Yes.

286. *Chairman.*] Do they place a high value upon them?—Yes; and I should also say that they are very sensible of the advantages which they gain by the sale of their lands and the settling of white men among them.

287. Do they attach a high value to them merely because they are valuable for the purposes of sale, or that, in the enjoyment of their rights, they consider that

that there is something valuable to them?—The only value that they attach to them is as a means of making a bargain, except that they connect the notion of the surrender of their lands with a feeling of nationality; and some of the natives are jealous of the sale of their lands upon that ground.

288. When a tribe has sold its lands, what does it generally do?—It goes somewhere else.

289. Is there room for them to acquire other tribal rights?—Yes, they have rights elsewhere.

290. Sir *J. Pakington.*] Are they always willing to sell?—No, not always. Some of the natives are jealous of sale, and there has been latterly a feeling amongst some of the natives of dislike to parting with their lands on the ground that they apprehend that in parting with their land they part with their nationality. They have a notion of preserving themselves as a distinct nation.

291. I think you were asked how, in the event of the sale of the tribal rights by a tribe over a large tract of country, the money that is paid for that purpose is distributed amongst the natives who sell?—The money is paid to a commissioner, who goes down and fixes a day for the distribution of it. He ascertains (which is a matter of great difficulty) what those rights are; the rights of the tribes are so entangled with each other, that no one but a person of great knowledge of those rights would be able to deal with them at all; but he ascertains, in the best way he can, who is interested in those lands, and he makes the best arrangement that he can, paying every one. If it is a large sum, in general the principal money is paid to the chief of the tribe. There may be, besides, many accidental claims, which are made the subject of separate bargains.

292. Essentially, the bargain is made with the chief, and the money is paid to the chief, and the sub-division rests with him?—That is so.

293. Mr. *Henley.*] Whatever use they choose to make of it, whether much or little, this tribal right does, in fact, secure to the native the absolute possession and usufruct of the land, whatever it may be?—It prevents Europeans from having it.

294. And the conveyance, by means of this payment, for what is termed the tribal right, hands over to the Colonial Government the land in fee simple, to make what use they please of it?—Yes.

295. Do the natives keep cattle?—Yes.

296. Then a range for cattle is some benefit, I suppose?—Yes. But when I say that, I am speaking of natives in the neighbourhood of settlements; they do not keep cattle over the general bulk of the lands.

297. But such as it is, whether they make much or little use of it, the entire and absolute power of possession, and profit of the land, whatever they may choose to make of it, is in the natives; and selling the tribal right conveys the right and power in the land absolutely to the Colonial Government?—Yes, it does.

298. *Chairman.*] Do they sell the timber at all?—Yes, in some cases they do; it is valuable.

299. Mr. *Henley.*] That is a matter of bargain?—Yes, that is a matter of bargain.

300. Sir *J. Pakington.*] Does that apply to the spots that are under cultivation and under proprietary rights, or does it apply also to the larger districts, where the rights are only tribal?—I can only speak, of my own knowledge, of one part of the country where there is a native reserve with a valuable wood upon it, and the natives agree amongst themselves in some way, by some process of their own, to sell their timber upon such and such terms, and they make their own arrangements for the sale and for the distribution of the money.

301. Are the boundaries of those tribal territories well defined and understood as between one tribe and another?—No; they are very undefined.

302. Mr. *Adderley.*] Do they wander?—They do, a good deal.

303. Sir *J. Pakington.*] Would any tribe be able to state what is the amount of its tribal territory?—It would be very difficult; I may say the difficulty of defining their rights between themselves is one of the great sources of the native wars; and one very important reason for getting rid of this tribal right is, that you would get rid of a source of dispute amongst themselves.

304. Mr. *Henley.*] You would bring the colonial boundary against the native

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boundary, and then the colonists are to quarrel instead of the native tribes? —Of course the Government, in making its purchase, is very careful about the boundaries. One rule that we lay down in all purchases now, is to make no purchases without the actual staking out of the boundary.

305. Do you call the tribe that comes against you, as well as the tribe of which you are buying, to see that boundary set out?—Yes; I should say in a general way all parties who have any interest in it.

306. Are the parties who are not selling called in to see the boundary set out, as well as the party selling?—The utmost care is taken to ascertain the true boundaries, and the natives are so jealous upon that question of boundary, that you may be sure, wherever they permit the boundary line to be cut, that is the true boundary. For instance, if land were bought of a tribe on one side, and the opposite land belonged to another tribe, that opposite tribe would not allow that boundary line to be cut, if it at all trenched upon their land.

307. Then the difficulty is not so insurmountable of settling the boundary as your first answer would lead the Committee to believe?—Not in cases of sale between natives and the Government.

308. What difference is there between cases of boundary between natives themselves, and between natives and Europeans?—The difference is that a bargain between the Government and the particular tribe is for a particular plot of land, which is defined prior to sale; you asked me generally whether the boundaries between the tribes throughout the colony are well defined.

309. When they want to define it for sale there is not such serious difficulty; the parties come in and you strike the line?—No doubt.

APPENDIX.

PAPER delivered in by *H. Merivale*, Esq., 7 July 1857. Appendix.

NEW ZEALAND LOAN ACT, 1856.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

Session 4, No. 17.

ANALYSIS.

Title.
Preamble.
1. Her Majesty may appoint agents to raise and manage a loan.
2. Such agents shall have power to raise any sums not exceeding 500,000 *l.*
3. Bonds, &c. to be for sums and in form, to be signed and to be negotiable as prescribed by agents.
4. Interest payable in London.
5. Principal and interest charged on the general revenue of the colony of New Zealand.
6. Money raised to be applied to purposes set forth in Schedule.
7. Principal to be repaid at the expiration of 30 years.
8. Six per cent. to be paid annually to meet interest and provide a sinking fund.
9. Definition of general revenue of the colony of New Zealand.
10. Short title.
Schedule.

AN ACT for raising a Loan of £. 500,000 for the Public Service of the Colony of New Zealand. Title.

(Assented to 7th August 1856.)

WHEREAS it is expedient to raise a loan for the purpose of liquidating the charge secured by Acts of the Imperial Parliament to the New Zealand Company and consolidating the public debts and liabilities of the Colony of New Zealand; be it therefore enacted by the General Assembly of New Zealand, as follows: Preamble.

1. It shall be lawful for Her Majesty, Her heirs and successors, to appoint one or more person or persons to be an agent or agents in England for the purpose of raising and managing the loan or loans proposed to be raised under and by virtue of this Act. Her Majesty may appoint agents to raise and manage a loan.

2. Such agent or agents shall have full power and authority to borrow and raise in Great Britain, by bonds, debentures, or otherwise, such sums, not exceeding in the whole the sum of 500,000 *l.* sterling, as the Lords Commissioners of Her Majesty's Treasury, or any three of them, shall, at the request of the Governor or officer administering the government of the Colony of New Zealand, from time to time determine and direct. Such agent or agents shall have power to raise any sums not exceeding 500,000 *l.*

3. Every bond, debenture, or other security granted under this Act shall bear interest after a rate not exceeding 4 *l.* for every 100 *l.* by the year, shall be for such sum and in such form, shall be signed on behalf of the said Colony, and shall be transferable and negotiable in such manner as such agent or agents shall prescribe. Bonds, &c. to be for sums and in form, and to be negotiable as prescribed by agents.

4. The interest on every such bond, debenture, or other security shall be payable at such times and place in London as shall be fixed and named for that purpose in such bond, debenture, or other security. Interest payable in London.

Principal and interest charged on the general revenue of the Colony of New Zealand.

5. All sums of money borrowed and raised under the authority of this Act, and interest thereon, shall be made a first charge upon the general revenue of the Colony of New Zealand.

Money raised to be applied to purposes set forth in Schedule.

6. The money to be borrowed under the authority of this Act shall be applied in such manner as the Lords Commissioners of Her Majesty's Treasury, or any three of them, shall from time to time direct and appoint, to the several purposes specified and set forth in the Schedule to this Act.

Principal to be repaid at the expiration of 30 years.

7. The principal sums so to be borrowed and raised as aforesaid shall be made payable and repaid at the expiration of 30 years from the several days on which they shall respectively be borrowed and raised as aforesaid.

Six per cent. to be paid annually to pay interest and provide a sinking fund.

8. For the purpose of paying the said interest, and providing a sinking fund for the liquidation of the principal, there shall be paid yearly out of the general revenue of the colony, to such persons as Her Majesty shall appoint, such sum as shall be equal to six per cent. per annum on the total of the principal from time to time borrowed, and after paying the interest thereout as the same shall from time to time become due, the balance thereof shall be set apart as a sinking fund, and shall be invested by such person or persons in the purchase of such securities as the Lords Commissioners of Her Majesty's Treasury, or any three of them, shall from time to time direct, and shall be increased by accumulation in the way of compound interest or otherwise.

Definition of general revenue of the Colony of New Zealand.

9. For the purposes of this Act, the general revenue of the Colony of New Zealand shall be deemed and taken to include all the revenue which shall arise from duties of import and export, from post-office receipts and Supreme Court fees, from the disposal of the waste lands of the Crown, and from all taxes, duties, rates and imposts, levied or to be levied by virtue of any Act of the General Assembly of New Zealand.

Short title.

10. This Act may be cited for all purposes as "The New Zealand Loan Act, 1856."

SCHEDULE to which the foregoing Act refers.

1. In liquidation and full discharge of the debt due to the New Zealand Company now charged on the sales and other alienations of the waste lands of the Crown in New Zealand, and towards repayment of such sums as the Province of Auckland shall have paid towards the liquidation of the said debt, the sum of 200,000 *l.*

2. In payment of any public debt of the Colony of New Zealand which shall be due on the 1st day of January 1858, any sum not exceeding 120,000 *l.*

3. For the purpose of extinguishing the rights of the aboriginal inhabitants to lands in the Northern Island of New Zealand, any sum not exceeding 180,000 *l.*

Examined and certified.

Jas. Jno. Piercy, Clerk of Legislative Council.
F. E. Campbell, Clerk of House of Representatives.

In the name of Her Majesty I assent to this Act.

Thomas Gore Browne, Governor.

Auckland, 7 August 1856.

REPORT

FROM THE

SELECT COMMITTEE

ON

NEW ZEALAND;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
9 *July* 1857.

171—Sess. 2.

Under 8 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

OATHS TAKEN BY MEMBERS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
10 *August* 1857.

Lunæ, 3° die Augusti, 1857.

Ordered, "THAT a Select Committee be appointed to consider whether the Act 5 & 6 Will. 4, c. 62, is applicable to Oaths appointed by Law to be taken by Members of this House at the Table, previously to their taking their Seats, and in what Manner the said Act can be so applied, and to report their Observations thereupon to The House."

Ordered, "That the Committee do consist of Twenty-five Members nominated by this House, and all Gentlemen of the Long Robe Members of this House."

Martis, 4° die Augusti, 1857.

Committee nominated of—

Viscount Palmerston.	Mr. Horsman.
Sir George Grey.	Mr. Henley.
Mr. Disraeli.	Mr. Roebuck.
Mr. Walpole.	Mr. Malins.
Sir John Pakington.	Mr. Headlam.
Lord John Russell.	Mr. Attorney-General for Ireland.
Sir James Graham.	The Lord Advocate.
Mr. Gladstone.	Mr. Dillwyn.
Mr. Attorney-General.	Mr. Napier.
Mr. Solicitor-General.	Lord R. Grosvenor.
Mr. Rolt.	Mr. Whiteside.
Lord Stanley.	Mr. Cobbett.

Ordered, "THAT the Committee have power to send for Persons, Papers, and Records."

Ordered, "THAT Nine be the Quorum of the said Committee."

Mercurii, 5° die Augusti, 1857.

Ordered, "THAT Lord John Manners be added to the Committee."

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PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv

REPORT.

THE SELECT COMMITTEE appointed "To consider whether the Act 5 & 6 Will. 4, c. 62, is applicable to OATHS appointed by Law to be taken by Members of this House at the Table, previously to their taking their Seats, and in what manner the said Act can be so applied, and to Report their OBSERVATIONS thereupon to The House,"—— HAVE considered the matters referred to them:

THE following Resolution was proposed by a Member of the Committee, "That, in the opinion of this Committee, the House of Commons is included within the following words of the 8th section of 5 & 6 Will. 4, c. 62; that is to say, 'All bodies now by law or statute, or by any valid usage, authorised to administer or receive any Oath.'" Upon deliberation, the Resolution passed in the negative.

10 *August* 1857.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 6° die Augusti, 1857.

MEMBERS PRESENT:

Sir G. Grey.	Mr. Henley.
Mr. Disraeli.	Mr. Roebuck.
Sir J. Pakington.	Mr. Malins.
Lord J. Russell.	Mr. Headlam.
Sir J. Graham.	Lord Advocate.
Mr. Gladstone.	Mr. Dillwyn.
Mr. Attorney-General.	Mr. Napier.
Mr. Rolt.	Mr. Whiteside.
Lord Stanley.	Mr. Cobbett.
Mr. Horsman.	Lord J Manners.

And the following Gentlemen of the Long Robe:

Mr. De Vere.	Mr. Cairns.
Mr. Bowyer.	Mr. Hardy.
Mr. Adams.	Mr. Villiers.
Mr. Paull.	Mr. Waldron.
Mr. Seymour FitzGerald.	Mr. Wigram.
Mr. Collins.	Mr. Greer.

Motion made, and Question, "That Lord John Russell do take the chair" (Mr. *Disraeli*), put, and agreed to.

Lord John Russell took the Chair accordingly.

Order of reference read.

The Committee deliberated, and considered the provisions of 5 & 6 Vict. c. 62.

Motion made, and Question proposed, "That the Committee do adjourn till to-morrow, at half-past twelve of the clock" (Sir *J. Pakington*).—Amendment proposed, to leave out the words "Half-past twelve," and to insert the word "Two" (Mr. *Rolt*), instead thereof.—Question put, "That the words 'Half-past twelve' stand part of the Question."—The Committe divided:

Ayes, 14.	Noes, 11.
Mr. Disraeli.	Mr. Gladstone.
Sir J. Pakington.	Mr. Rolt.
Mr. Attorney-General.	Mr. Henley.
Lord Stanley.	Mr. Malins.
Mr. Horsman.	Mr. Cobbett.
Mr. Roebuck.	Mr. Adams.
Mr. Headlam.	Mr. Paull.
Lord Advocate.	Mr. FitzGerald.
Mr. Dillwyn.	Mr. Collins.
Mr. Napier.	Mr. Cairns.
Mr. Whiteside.	Mr. Wigram.
Lord J. Manners.	
Mr. Hardy.	
Mr. Villiers.	

Main Question put, and agreed to.

[Adjourned till To-morrow, at half-past Twelve o'clock.

Veneris, 7° die Augusti, 1857.

MEMBERS PRESENT:

Lord JOHN RUSSELL in the Chair.

Sir G. Grey.	Mr. Roebuck.
Mr. Disraeli.	Mr. Malins.
Mr. Walpole.	Mr. Dillwyn.
Sir J. Pakington.	Mr. Henley.
Mr. Gladstone.	Mr. Napier.
Mr. Attorney-General.	Mr. Whiteside.
Mr. Rolt.	Mr. Cobbett.
Lord Stanley.	Lord Advocate.
Mr. Horsman.	Lord J. Manners.

And the following Gentlemen of the Long Robe:

Mr. Adams.	Mr. Craufurd.
Mr. Seymour FitzGerald.	Mr. Warren.
Mr. Villiers.	Mr. Bowyer.
Mr. Wigram.	Mr. Collins.
Mr. Greer.	Mr. Maguire.

The Committee deliberated.

Motion made, and Question proposed, "That, in the opinion of this Committee, the House of Commons is included within the following words of the 8th section of 5 & 6 Will. 4, c. 62; that is to say, 'All bodies now by law or by statute, or by any valid usage, authorised to administer or receive any oath'"—(Mr. *Attorney-General*).—Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words, "It is expedient, before it comes to any decision on the matter referred to its investigation by The House, that this Committee should obtain permission from The House to hear Counsel on the application of the Statute 5 & 6 Will. 4, c. 62, to the Houses of Parliament"—(Mr. *Disraeli*), instead thereof. Amendment, by leave, withdrawn.—Another Amendment proposed, to leave out from the word "Committee," to the end of the Question, in order to add the words "it would be expedient, regard being had to the late period of the Session, and the public and private engagements of its Members, that they should report to the House that the Committee deem it advisable that it should be re-appointed at the commencement of the ensuing Session"—(Mr. *Warren*), instead thereof.—Whereupon motion made, and Question put, "That the consideration of the Question proposed by Mr. *Attorney-General* be postponed"—(Mr. *Disraeli*.)

The Committee divided:

Ayes, 14.	Noes, 9.
Mr. Disraeli.	Mr. Rolt.
Mr. Walpole.	Mr. Henley.
Sir J. Pakington.	Mr. Napier.
Mr. Gladstone.	Mr. Whiteside.
Mr. Attorney-General.	Mr. Adams.
Lord Stanley.	Mr. FitzGerald.
Mr. Horsman.	Mr. Collins.
Mr. Roebuck.	Mr. Wigram.
Mr. Malins.	Mr. Warren.
Mr. Cobbett.	
Lord J. Manners.	
Mr. Villiers.	
Mr. Greer.	
Mr. Craufurd.	

[Adjourned till Monday next, at Half-past Twelve o'clock.

Lunæ, 10° *die Augusti*, 1857.

MEMBERS PRESENT.

LORD JOHN RUSSELL, in the Chair.

Mr. Dillwyn.	Lord Stanley.
Mr. Disraeli.	Sir J. Pakington.
Mr. Headlam.	Mr. Walpole.
Mr. Henley.	Mr. Whiteside.
Mr. Horsman.	Mr. Cobbett.
Mr. Malins.	Sir G. Grey.
Mr. Attorney-General.	Lord Advocate.
Mr. Napier.	Mr. Gladstone.
Mr. Roebuck.	Lord J. Manners.
Mr. Rolt.	

And the following Gentlemen of the Long Robe:

Mr. Macaulay.	Mr. Bowyer.
Mr. Wigram.	Mr. Adams.
Mr. Villiers.	Mr. S. FitzGerald.
Mr. Ayrton.	Mr. Craufurd.
Mr. Greer.	Mr. Maguire.

Consideration resumed of Amendment proposed (7th August) to be made to the Question: "That, in the opinion of this Committee, the House of Commons is included within the following words of the eighth section of 5 & 6 Will. 4, c. 62; that is to say, 'All bodies now by law or statute, or by any valid usage, authorised to administer or receive any Oath,'"—and which Amendment was, to leave out from the word "Committee," to the end of the Question, in order to add the words, "it would be expedient, regard being had to the late period of the Session, and the public and private engagements of its Members, that they should report to the House that the Committee deem it advisable that it should be re-appointed at the commencement of the ensuing Session."—Question, "That the words 'That in the opinion of this Committee, the' stand part of the Question," put, and agreed to.

Main Question put, "That in the opinion of this Committee, the House of Commons is included within the following words of the 8th section of 5 & 6 Will. 4, c. 62; that is to say, 'All bodies now by law or statute, or by any valid usage, authorised to administer or receive any oath.'"—The Committee divided:

Ayes, 13.	Noes, 16.
Mr. Dillwyn.	Mr. Cobbett.
Mr. Disraeli.	Mr. Gladstone.
Mr. Headlam.	Sir G. Grey.
Mr. Horsman.	Mr. Henley.
Mr. Attorney-General.	Mr. Malins.
Mr. Roebuck.	Mr. Napier.
Lord Stanley.	Mr. Rolt.
Sir J. Pakington.	Mr. Walpole.
Lord Advocate.	Mr. Whiteside.
Mr. Villiers.	Lord J. Manners.
Mr. Ayrton.	Mr. Macaulay.
Mr. Greer.	Mr. Wigram.
Mr. Bowyer.	Mr. Adams.
	Mr. FitzGerald.
	Mr. Craufurd.
	Mr. Maguire.

The Committee agreed to report to the House, as follows:—

The following Resolution was proposed by a Member of the Committee: "That in the opinion of this Committee, the House of Commons is included within the following words of the 8th section of 5 & 6 Will. 4, c. 62; that is to say, 'All bodies now by law or statute, or by any valid usage, authorised to administer or receive any Oath.' Upon deliberation, the Resolution passed in the negative."

Ordered, to Report.

REPORT

FROM THE

SELECT COMMITTEE

ON

OATHS TAKEN BY MEMBERS

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by the House of Commons, *to be Printed,*
10 *August* 1857.

253—Sess. 2.

Under 1 *oz.*

FIRST REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have formed into Groups the following Private Bills; and have agreed to report the same to the House, as follow:

GROUP A.

Birkenhead Docks (Construction).
Birkenhead Docks (Management).
Liverpool and Birkenhead Docks.
Liverpool Town and Dock Dues (St. Helen's Canal and Railway).
Mersey Conservancy and Docks.

GROUP B.

Alva Parish.
Clyde Navigation.
Glasgow City and Suburban Gas.
Glasgow Gas.

GROUP C.

Birkenhead District Gas and Water.
Burslem and Tunstall Gas.
Bury Gas.
Cork Consumers Gas.
Cork Gas.

GROUP D.

Brighton, Hove and Preston Constant Service Water.
Chatham District Water.
Ipswich Water.
Landport and Southsea Improvement.

GROUP E.

Atlantic Telegraph Company.
Australian Agricultural Company.
Charing Cross Bridge.
European and Indian Junction Telegraph Company.

GROUP F.

Briton Ferry Docks.
Cardigan Markets and Improvements.
Fiskerton Drainage.
Kidsgrove Market.
Kidsgrove Market and Town Hall.

COMMITTEE OF SELECTION.

FIRST

REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
11 *May* 1857.

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have formed the following additional Groups, which they have agreed to report to the House:

GROUP G.

Backwater Bridge and Road.
Besselsleigh Road.
Dixthorpe Turnpike Trust.
Fownhope and Holme Lacey Bridge.
Haslingden and Tormorden Road.
Mansfield and Worksop Road.
Otley and Skipton Road.

GROUP H.

Mordon Carrs Drainage.
Norfolk Estuary Acts Amendment.
Pulteney Town Harbour.

GROUP J.

Nene Valley Drainage and Navigation Improvement.
North Level Drainage.

GROUP K.

Langport, Somerton and Castle Cary Roads.
Lowestoft and Burgh St. Peter Ferry and Roads.
Newcastle-under-Lyme and Leek Roads.
Prestwich, Bury and Redcliffe Road.
Selby and Market Weighton Road.
Wilmslow and Lawton Road.
Worksop and Attercliffe Road.

GROUP L.

Manchester Corporation.
Medical, Legal and General Mutual and New Equitable Life Assurance Company's Amalgamation.
New Brunswick and Canada Railway and Land Company.
Sunken Vessels Recovery.

GROUP M.

Lowestoft Water, Gas and Market.
Shrewsbury Gas.
South Staffordshire Gas.
Stockton New Gas and Stockton Gas Consumers Company.

GROUP N.

Metropolitan New Streets and Improvements.
New River Company.
Thames and Medway Conservancy.
Victoria Gas.
Victoria (London) Gas.

COMMITTEE OF SELECTION.

SECOND

REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
12 *May* 1857.

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made the following alterations in the Groups already formed, and have agreed to Report the same to The House:

GROUP H.

They have withdrawn the —

Norfolk Estuary Acts Amendment Bill;

And have added the —

Tyne Improvement Bill.

GROUP J.

They have added the —

Norfolk Estuary Acts Amendment Bill.

COMMITTEE OF SELECTION.

THIRD REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
15 *May* 1857.

FOURTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made the following alterations in the Groups already formed, and have formed the following additional Groups, which they have agreed to Report to The House:

GROUP L.

They have withdrawn the —

Medical, Legal and General Mutual, and New Equitable Life Assurance Companies Amalgamation.

And have added the —

Salford Borough (No. 1).
Salford Borough (No. 2).

GROUP N.

They have withdrawn the —

New River Company.

They have formed the following new Groups:—

GROUP O.

Milford Improvement.
Swansea Docks.
Swansea Harbour Trust and Swansea Dock Company.

GROUP P.

Orkney Roads.
Tweed Fisheries.
Tweed River Fisheries.

GROUP Q.

Weaver Navigation.
Wearmouth Bridge, Ferries and Approaches.

GROUP R.

Watchet Harbour.
Watchet Harbour Trust.
West Somerset Railway - -
West Somerset Mineral Railway } Referred to them by Order of the House.

GROUP S.

Belfast Improvement.
Wexford Free Bridge.
Stratford-upon-Avon Gas.

COMMITTEE OF SELECTION.

FOURTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
19 *May* 1857.

42—Sess. 2.

FIFTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made the following alterations in the Groups already formed :

GROUP C.

They have withdrawn the—

Bury Gas Bill.

GROUP N.

They have added the—

Metropolitan Cattle Market Bill.

FIFTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
25 *May* 1857.

54—Sess. 2.

REPORT

FROM THE

SELECT COMMITTEE

ON

PUBLIC MONIES;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
18 *August* 1857.

279—Sess. 2.

Martis, 12° *die Maii*, 1857.

Ordered, That a Select Committee be appointed "to inquire into the Receipt, Issue, and Audit of Public Monies in the Exchequer, the Pay Office, and the Audit Department."

Select Committee nominated accordingly; viz.—

Sir Francis Baring.	Mr. Henley.
Mr. Williams.	Mr. Wilson.
Mr. Bowyer.	Mr. Ellice.
Mr. Hankey.	The Chancellor of the Exchequer.
Sir James Graham.	Sir H. Willoughby.
Lord Stanley.	Mr. G. A. Hamilton.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Martis, 18° *die Augusti*, 1857.

Ordered, That the Committee have power to report their Observations to The House.

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PROCEEDINGS OF THE COMMITTEE - - - - - - - - p. 9

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the Receipt, Issue, and Audit of PUBLIC MONIES in the EXCHEQUER, the PAY OFFICE, and the AUDIT DEPARTMENT, and who were empowered to Report their Observations thereupon to The House;——HAVE considered the Matters to them referred, and have agreed to the following REPORT:——

YOUR Committee have considered the evidence and documents collected by the Select Committee on Public Monies in 1856, which have been referred to them, as well as further important papers laid before them, which will be found in the Appendix; and they have agreed to submit the following recommendations to The House:

1.—*Exchequer Issues and Paymasters' Payments.*

Your Committee are satisfied, from the evidence taken before them, that the consolidation of the Pay Departments has been attended with public benefit; that it has diminished the balances left in the hands of the public accountants to the Crown; that it has increased the security of the public money, and promoted economy; and that the regulation which requires the Paymaster-general to make all his payments from a single cash balance has been attended with beneficial results.

As the issue of money from the Exchequer in amounts sufficient to maintain a constant balance in the hands of the Paymaster, on each separate grant or head of service, over and above the balances in the Exchequer at the credit of such grants and services, would entirely defeat these objects, Your Committee recommend that issues from the Exchequer shall be made in order to adjust the payments under every head of service, by placing each in credit in the books of the Paymaster as frequently as possible, consistently with retaining the smallest cash balance, and that such an adjustment shall be completely made at least at the close of every month; that the Paymaster should be required to make up for the Commissioners of Audit accounts to the end of every month, showing the balances for or against every head of service; and that any provision of the Exchequer Regulation Act of 1834 which may appear to be at variance with this mode of conducting the public payments should be repealed.

Your Committee are of opinion that the Paymaster-general should cease to be a political officer, discharging his duties by deputy; and that he should become the acting and efficient head of the Pay-office, performing his duties in person.

2.—*Payments of the gross Revenue to the Exchequer.*

During the progress of the inquiries of the Committee of 1856, an Act was passed (19 & 20 Vict., cap. 59) for removing from the gross revenues certain superannuations and other charges which had remained payable out of those

revenues after the passing of the Act 17 & 18 Vict., cap. 94, under which the charges of collecting the revenue and various other expenses were transferred to the Annual Estimates, or placed on the Consolidated Fund.

With the exception of the charges on the Land Revenues of the Crown, the net receipts of which are only payable to the Consolidated Fund under the Act 10 Geo. IV, cap. 50, sec. 113, and under the Act 1 & 2 Vict., for the settlement of the Civil List, the only payments which can now be legally charged upon the public revenues, are drawbacks, bounties, repayments, and discounts. Although Your Committee have no reason for believing that any expenses have been defrayed out of those revenues in their progress to the Exchequer which were not legally chargeable thereon, they are nevertheless of opinion that it is essential to a proper Parliamentary control of the public money that the law should distinctly require that the whole revenue, after providing for those charges, should be paid to the Consolidated Fund, from which it cannot be issued without Parliamentary sanction; and with regard to the charges on the Land Revenues, the Committee are of opinion, unless some constitutional difficulty should be involved in the change, these charges should be brought under the same Parliamentary control, and under the system of votes for expenditure, as the charges respecting the other branches of public revenue.

They recommend that the payments of revenue should, as far as practicable, be paid direct into the Exchequer, and that those payments made into the Pay-office should be transferred to the Exchequer Account with as little delay as may be consistent with the public service.

They further recommend that monies in deposit in the Pay-office should be carried to a separate account at the Bank, as they neither form part of the public revenue, nor are voted by Parliament as Ways and Means. The payments may still be made through the general drawing account.

A statement of the receipts and payments included in this deposit account ought annually to be laid before Parliament.

3.—*Deficiency Bills.*

In the present state of the law (57 Geo. 3, c. 48), it is necessary that Exchequer Bills (Deficiency) should be issued to the full extent of the deficiency which may appear on making up the account of the income and charge of the Consolidated Fund to the close of the quarter, although it constantly happens that the growing produce of that fund for the subsequent quarter is sufficient to meet all charges without the aid of Deficiency Bills. Under such circumstances, the Exchequer Bills are issued to the Bank, and are paid off on the same day; but although this practice obviates the charge for interest on these advances, the money is, nevertheless, borrowed from the bank when the public service does not require the loan.

Your Committee, therefore, recommend, that whenever the deficiency of the Consolidated Fund for the quarter, or any part thereof, can be directly provided for out of the growing produce of the fund for the following quarter, the issue should be made directly out of the public balance without the aid of a loan, nominal or otherwise, from the Bank.

Your Committee further recommend, that when actual advances by the Bank become necessary, either for Consolidated Fund services, or for Supply services, the amount should be placed to the Exchequer Account without an issue of Exchequer Bills, but upon a requisition to the Bank by the Comptroller of the Exchequer, and that it be issued from the Exchequer account by the Exchequer to the public service, as at present; also that the advances should be treated as book debts, and be subject to all the existing provisions of the law as to redemption.

In calculating the interest to be paid on Deficiency Bills, Your Committee observe that the amount of Exchequer credits undrawn, and the balance at the Bank to the Paymaster's account, are not taken into consideration: it would be of advantage if these sums were considered, as well as the Exchequer account; but

but Your Committee abstain from making any positive recommendation on the subject, as the arrangements subsisting between the Bank of England and the Government must necessarily come into consideration in connexion with the Bank Act of 1844, now under the review of Parliament.

4.—*Exchequer Bills (Supply).*

A Vote in Supply is taken every year to pay off all outstanding Exchequer Bills; and Ways and Means in Exchequer Bills are granted to provide for such payment. The effect of this arrangement is, that the Bills of the current year are issued to pay off the Bills of the past year, except in those cases in which holders demand payment in money. It has been shown to the Committee that this annual renewal of Exchequer Bills is attended with trouble and inconvenience to holders, and with expense and risk to the public; and moreover, that the payment of Exchequer Bills in money out of the Ways and Means granted for Army, Navy, and other Supply services, leads to complicated adjustments between the Money grants and the Exchequer Bill grants of Ways and Means which it appears desirable to avoid. As a security to holders, Exchequer Bills charged on aids or supplies may, after the expiration of 12 months from their respective dates, be tendered in payment of any of the public revenues, aids, taxes, or supplies—a regulation which has the effect of applying revenue in its progress to the Exchequer to the payment of debt. Your Committee are of opinion that the law, as regards these Exchequer Bills, may be greatly simplified; they have, therefore, to propose—

1st. That the principal of Exchequer Bills be redeemable out of the Consolidated Fund in those cases in which the holders can demand payment of their Bills in money, or pay them in for taxes under existing regulations; and that the interest be payable also out of the Consolidated Fund.

2d. That the Government be empowered, as at present, to issue new Bills in lieu of those which may be paid off in money, the proceeds of such Bills, however, to be placed to the credit of the Consolidated Fund.

3d. That the annual renewal of Exchequer Bills be discontinued, the Bills running on from year to year, with the consent of the holders, until called in for renewal; that the rate of interest be advertised annually; and that the Bills be issued with coupons for the annual interest.

5.—*System upon which the Public Accounts should be kept.*

Your Committee consider that it is the necessary groundwork of any really important improvement that the whole of the public accounts should be kept on an efficient, and, as far as practicable, uniform system. The evidence given before them by competent witnesses has satisfied them that the commercial system of bookkeeping by double entry, wherever it has been applied in the public departments, has materially aided in introducing order and regularity in their financial transactions, has facilitated the audit of the accounts, and has promoted correct appropriation. The Inspector of the Audit Office appointed to check the appropriation of the naval and military expenditure, has borne testimony to the efficiency of the system of account in operation in the Naval Department, to the successful manner in which it has stood the test of great expansion during the late war, to the punctuality with which the annual accounts of receipt and expenditure have been presented to Parliament, and to the facilities which the system has afforded in conducting the concurrent audit of the Naval expenditure.

Your Committee therefore earnestly recommend the extension of that system to the accounts of the Public Departments in which it has not yet been adopted, and the provision of a security, through the control of the Treasury, for the maintenance of the system, on a principle of uniformity, when it shall have been generally established. Your Committee feel assured that whatever new securities may be devised for the faithful appropriation of the public money, they will be incomplete unless they are accompanied by a system of public accounts founded on the principles they have suggested.

6.—*Extension of the Appropriation Check, and Presentation of Audited Accounts to Parliament.*

The concurrent audit, or appropriation check, first applied to the expenditure of the Grants for Naval Services in 1832, and subsequently extended to the several Army Grants, was a new security introduced for ensuring the strict appropriation of the Grants of Parliament. It was not intended to limit the discretion of the responsible departments of the Executive Government in which it was established, but to secure a revision of their accounts by an independent authority, invested with sufficient powers of investigation to detect any misapplication of the Votes, or any deviation from the appropriation sanctioned by Parliament. This check now applies to the Naval and Military Expenditure, and is regulated by the provisions of an Act (9 & 10 Vict. c. 92) passed in 1846; also to the expenditure of the Offices of Woods and Forests, and Public Works; and the Commissioners of Audit transmit annually to the Treasury, for presentation to the House of Commons, accounts of Naval and Military Expenditure, compared with the Grants, accompanied by Reports, in which they direct attention to every departure from the provisions of the Appropriation Act. Your Committee recommend that this important check upon the application of the public money be extended to the accounts of the Income and Expenditure kept at the Treasury, to the accounts of the Revenue Departments, and to the various accounts comprising the expenditure of the Votes for Civil Services, including Civil Contingencies. For the latter service two accounts should be presented; one showing the final payments charged against the Vote for Civil Contingencies, and the other showing a balanced account of the transactions of the year, including the outstanding advances at the close of the year, and the balance unissued brought down to the following year. These accounts to be presented for the past year along with the estimate for Civil Contingencies for the current year. Your Committee are also of opinion that the whole of these accounts, finally audited, should be presented to Parliament before the close of the year succeeding that to which they relate.

Vide Financial Memorandum, p. 25.

In order to strengthen the check upon the Government in regard to issues of money, for any service whatever in excess of the sum voted by Parliament, Your Committee recommend that all payments of the Paymaster-general shall be checked from day to day, in the departments in which they are authorised or made, by an officer to be appointed by the Commissioners of Audit: it will be the duty of this officer to follow from day to day the appropriation of every payment to its proper account, and to report immediately to the Commissioners any excess of the Vote sanctioned by Parliament, or other irregularity.

And Your Committee further recommend that these audited accounts be annually submitted to the revision of a Committee of the House of Commons, to be nominated by the Speaker. It is desirable that an annual account of all guaranteed loans, including the payments made, and the arrears, if any, due to the Consolidated Fund, shall be presented to this Committee, and that they do report thereon specially to The House.

Your Committee suggest that the Audit Board should no longer transmit through the Treasury those accounts which they are bound to lay before Parliament, but should communicate them direct, and that the appropriation and inspection of Army and Navy Accounts, the selection of officers for the respective duties, their removal or dismissal, should rest entirely with the Audit Board.

Your Committee has recommended a large extension of the duties and powers of the Board of Audit. If these suggestions be adopted, it will be necessary that the composition and relative position of this Board, as a great department of the State, should be reconsidered by the Executive Government. The Board of Audit is responsible to Parliament alone, and the station and emoluments of the person at the head of it should be equal to the importance of the duties to be performed, and not second in rank to any of the permanent officers presiding over other principal departments.

7.—*Principle upon which the Votes for Civil Services should be taken.*

The difficulty which has hitherto prevented the extension of the principles of Account and Appropriation check applied to the Naval and Military Accounts to the Accounts of Expenditure for Civil Services, has arisen from the delay which takes place in Parliament in voting the Estimates for Civil Services. These Votes being passed generally late in the Session, it has been considered impossible to adopt the principle applied to the Naval and Military grants, of providing only for the payments to be made in the financial year. Your Committee are of opinion that this difficulty may be overcome by taking one aggregate Vote, upon account, for such Civil Services as have already been sanctioned by Parliament in the previous Session; and in order to facilitate this practice, it is recommended that all salaries for the last quarter shall be payable on the 31st of March in each year. The amounts thus made applicable to each separate Vote for Civil Services should be stated in a schedule, and deducted from the amounts to be voted to complete the grants for the year.

A course similar to this has been adopted in the present year, except that the Votes have not been limited to the provision required for meeting the payments to be made in the year.

Under this arrangement, the accounts could be closed soon after the termination of the year for all home services; and as regards payments made abroad, immediately on receipt of the accounts of payments made up to the 31st March, all unexpended balances should be surrendered; and grants unapplied, but required for the completion of the services to which they had been appropriated, should be re-voted.

8.—*The Annual Accounts of Income and Expenditure to be founded on actual Receipts and Payments.*

It is provided by the Act 10 Geo. 4, c. 27, that, for the purpose of ascertaining the annual amount of surplus revenue, the Treasury shall cause to be prepared, after the expiration of each quarter, an annual account, showing the actual revenue and expenditure of the United Kingdom, in the four quarters for the whole year immediately preceding such quarter-days respectively, according to the actual receipt and issue of moneys at the Exchequer; and the 24th section of the Exchequer Act (4 Will. 4, c. 15) requires that the expenditure in such account, so far as it relates to Great Britain, shall be made up from the credits granted by the Exchequer. Your Committee are satisfied, from the evidence taken before them, that an account of Exchequer credits cannot represent a true account of expenditure; they therefore recommend that the basis of the account should be the actual payments of the several Paymasters to whom those credits are granted.

9.—*Regulation of the Treasury Chest Fund.*

Full information as to the nature of this fund, and the steps taken to bring it under proper regulations, will be found in the Appendix, No. 3, to the Report of the Committee in 1856, pp. 589 to 613. This fund was formerly known as "Army Extraordinaries," and subsequently as the "Commissariat Chest Fund." The object of the fund is to provide the means of carrying on the public service abroad. Under existing regulations, a Royal Warrant defines the objects for which it is to be employed, and prescribes that accounts shall be prepared annually by the Commissioners of Audit, showing the sums paid into and out of the fund in the financial year, and the assets and liabilities of the fund at the close of the year. These accounts have been regularly laid before the House of Commons since the 1st April 1846.

Your Committee concur in the propriety of the regulations under which this fund is administered, and the accounts are prepared; but they recommend, that instead of relying on the security of a Royal Warrant for the maintenance

of those regulations, they should be confirmed by an Act of Parliament. The objects to which legislation should be directed in regard to this fund are the following:—

1st. To limit the amount of the balance to be retained at the credit of the fund, and to provide that if it shall at any time exceed the limit fixed by law, the surplus shall be paid to the Consolidated Fund.

2d. To provide that no final expenditure shall be charged upon the fund.

3d. To provide that the fund shall only be employed for the legitimate banking operations of the Treasury Chests, and for advances for public and colonial services, repayable out of Votes of Parliament, or other funds applicable thereto.

4th. To provide that accounts shall be laid before Parliament every year, showing the cash operations of the fund at home and abroad during the financial year, and the assets and liabilities of the fund at the close of such year.

Your Committee are aware that the important and extensive changes which they have suggested cannot all be immediately carried into effect; but they believe that the continued attention of Parliament and of the Executive Government to the subject will secure, at no distant date, all the objects embraced in their recommendations.

18 *August* 1857.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 18° *die Maii*, 1857.

MEMBERS PRESENT:

Sir F. Baring.	Sir J. Graham.
Sir H. Willoughby.	Mr. Wilson.
The Chancellor of the Exchequer.	Mr. Bowyer.
Mr. Williams.	

Sir Francis Baring was called to the Chair.

The Committee deliberated.

The Chancellor of the Exchequer put in Papers relating to Financial Control; the same were read.—Ordered to be printed. *Vide* Appendix.

Motion made, and question, "That the Paper on Financial Control, presented and put in by the Chancellor of the Exchequer, be referred to the Comptroller of the Exchequer and to the Chairman of the Board of Audit, with a request that they will favour the Committee, at their earliest convenience, with any written observations which they may think fit to offer on the document so referred" (Sir *J. Graham*), put, and agreed to.

Resolutions proposed (*Chancellor*), read 1°, as follows:

"1. That the mode of issuing money from the Exchequer for the public service, by special credits on each separate vote for supply services, and on each head of service for charges on the Consolidated Fund, has never been uniformly enforced; that it cannot be carried into practice as regards the separate votes for Army and Navy Services, nor as regards the large issues required for conducting the public expenditure abroad; that it tends to increase and multiply unnecessarily the balances of money in the hands of the public accountants to the Crown, to impede and retard the business of conducting the cash payments, and to complicate and confuse the public accounts. Your Committee cannot recommend the continuance of any system which involves this practice; they are therefore of opinion that all payments, while kept strictly within the limits of the respective grants of Parliament, should be made from a single balance.

"2. That the present system of making up the Accounts of Public Income and Expenditure from Receipts and Credits at the Exchequer is defective in principle; that an account of Exchequer Credits does not and cannot represent an account of cash payments nor of public expenditure, and that it substitutes in the public accounts estimates for facts: Your Committee therefore recommend that the annual accounts of public income and expenditure, which are prepared for Parliament every three months, under the provisions of the Act 10 Geo. IV., be founded on actual receipts and payments."

[Adjourned.

Lunæ, 6° *die Julii*, 1857.

MEMBERS PRESENT:

Sir F. Baring, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Hankey.
Mr. Wilson.	Sir J. Graham.
Mr. Henley.	Lord Stanley.
Mr. Ellice.	Sir H. Willoughby.
Mr. W. Williams.	Mr. Bowyer.

The Chairman informed the Committee, that he had received Observations from the Comptroller-General of the Exchequer, and a Letter from Edward Romilly, Esq., upon the Memorandum of Financial Control, in accordance with the Resolution of the Committee, referring such Memorandum on Financial Control to the Comptroller of the Exchequer and to the Chairman of the Board of Audit; and the same were read.—Ordered to be printed. *Vide* Appendix.

The Committee deliberated.

Vide Appendix.

Resolution proposed (Mr. *Hankey*), read 1°, as follows:

"That, in order to afford to Parliament an accurate audited Account of the whole Income and Expenditure of the country, in as complete a form and at as early a date as possible, it is desirable that, previous to the 31st March in each year, an Account be presented to Parliament, including all payments and expenditure, for the year ending the 31st March in the previous year; and appended thereto the audited Accounts, signed by the Commissioners of Audit for each department, as separately audited, and made up to the 31st March in the previous year; and wherever, from any circumstance, any item or items of expenditure cannot have been audited, on account of deficiency or delay of production of vouchers, or from any other cause, such items shall be specially referred to at the foot of the Accounts as not having been audited, and the reason for the same stated; and in the audited Account of the following year, notice shall be taken, at the head of the Account, of such items, and when audited, signed in the usual way; but the General Audited Account of the year's expenditure shall not be delayed on account of the impossibility of procuring vouchers for some particular items, but that the whole Accounts shall be audited as far as practicable, and in all cases rendered in as complete a form as circumstances will admit, and delivered, so as to be laid on the Table of the House of Commons previous to the 31st of March in each year.

"That it is also desirable that a Table of Reference to the Appropriation Act be added to the General Annual Account, so that Parliament may see within about 18 months how the several sums in the Appropriation Act have been expended.

"That in this way the sums granted in the Appropriation Act of 1856 may be followed without difficulty, from the time of appropriation until the final expenditure and audit, on or before the 31st March 1858."

[Adjourned.

Jovis, 30° die Julii, 1857.

MEMBERS PRESENT:

Sir Francis Baring, in the Chair.

Mr. Williams.	Sir Henry Willoughby.
The Chancellor of the Exchequer.	Sir James Graham.
Mr. Wilson.	Mr. Bowyer.
Mr. Hankey.	Mr. Henley.

Resolutions proposed (Sir *J. Graham*), read 1°, as follows, and by leave withdrawn:

"That the number of the public accounts, the remoteness of the places in which large portions of the public expenditure originate and are liquidated, the necessity, which often arises abroad, of meeting the requirements of one service from monies destined to another, and many considerations of a like character on the review of a system of account so vast and so complicated, have led the Committee to the conclusion, that neither control without subsequent audit, nor audit without previous control, can give to Parliament adequate security for the due application of the public monies.

"That in the opinion of the Committee the powers hitherto exercised by the Controller of the Exchequer and by the Commissioners of Audit should be consolidated; that some additional powers should be given; and that one Department, responsible to Parliament, and reporting directly to Parliament, should henceforth control the original issue, and, both by concurrent and final audit, superintend the application of the public monies to the services voted and sanctioned by Parliament."

Draft Report proposed by the Chairman read 1°, as follows:

"The evidence and the documents collected by the Committee on Public Monies which sat in 1856 have been referred to us, and have been of material service in enabling us to come to a Report. At our first meeting a plan was submitted to us by the Treasury, suggesting very important changes in the system of accountability. This paper we referred to the Controller of the Exchequer, and to the Chairman of the Audit Board, for their consideration and observations. Their Reports, together with the plan itself, will be found in the Appendix. We have not felt it necessary to take further evidence. We are far from supposing that the very extensive inquiry entrusted to us has been exhausted, but questions of great importance have been raised in the course of our investigation, and appear to us ripe for decision. We shall endeavour, therefore, to point out such defects as exist, and the principles on which the remedies should be grounded, without encroaching on the duty of the Executive Government, by entering into the details of the measures necessary in order to carry out our recommendations.

"To prevent any misconstruction or misunderstanding, it may be proper at once to state, that through the whole of our inquiry no allegation has been made, nor any suspicion raised, that the public money has been applied to other than public purposes. Differences of opinion

opinion prevail whether the sums voted by Parliament have been strictly appropriated according to the Votes; but these allegations involve no charge of dishonesty, and the differences are such as may fairly exist between public servants, earnestly desirous of discharging their respective duties, but from their official positions considering the question from different points of view.

"In order to make our recommendations intelligible it is necessary to state, as simply and as shortly as possible, the mode in which the public monies are paid into the Exchequer, are issued thence for the public service, and are subsequently audited.

"The revenue finds its way into the Exchequer through different channels. No monies are received at the Exchequer itself, but payments are made at the Bank to the Exchequer Account.

"The revenue from the Customs, the Inland Revenue, and the Post Office, are paid direct to the Exchequer by their respective receivers-general. The Woods and Forests also pay direct to the Exchequer Account; the payments by the East India Company, and some other small sums, are paid in the same manner, direct.

"Other payments are made through the Paymaster-general, who acts as banker, receiving the money from, or on behalf of the department, and subsequently paying it in to the Exchequer Account. It would appear from an account furnished by the Pay Office, that the amount of the sums thus paid into the Exchequer through the Pay Office is not inconsiderable, amounting in 1855–56 to above 600,000 *l.*

"Since the passing of the 17 & 18 Vict. c. 94, and two Acts, the 19 & 20 Vict. cc. 43 and 56, passed in 1856, the charges on the revenue for collection, management, retired allowances, &c., are voted by Parliament, and the gross revenue is paid into the Exchequer. Practically, these charges for collection are advanced out of the growing revenue much as before, and the account is set right by drawing from the Exchequer the amount so paid under the proper Revenue Votes, and repaying into the Exchequer as revenue the sums so drawn.

"To this rule of paying the gross revenue there are exceptions: 1st. Drawbacks and repayments are paid out of the gross revenue, under the authority of the Treasury and Acts of Parliament, without a previous estimate and vote. 2d. In the department of the Woods and Forests, the whole expenditure for collection and management is paid out of the revenue on its way to the Exchequer; with the exception of a small Vote for the salaries of the establishment in London, for the office in Dublin, and for legal expenses. App. 16, p. 4 (1856).

"In the year ending 31 March 1856, the gross receipts of the Woods and Forests, including outstanding balances, amounted in round numbers to 467,000 *l.*; of this, 134,300 *l.* was deducted by payments for collection, management, &c., on its way to the Exchequer. Exchequer. App. 5, p. 629 (1856).

"'The business of the Exchequer' (to quote the words of Mr. Ellis, before the Commission of 1831, and adopted by Lord Monteagle) 'is the receipt of the public money and the 'issue of the same under orders from the proper authority.' App. 1, p. (1856).

"'The second branch, that of issue, farther involves the most important duty of control; 'while both require, in a matter of such national and historical importance, the duty of 'record.' 6, p. (1856).

"The office of Controller of Exchequer and his duties are governed by the Exchequer Act of 4 & 5 Will. 4, c. 15, and by the regulations framed under it by the Treasury, and laid before Parliament.

"When once money is paid in to the Exchequer Account, it cannot be paid out except under the authority of the Controller. The issues are made by the Controller in the following manner:

"1. In those services which are charged by Act of Parliament on the Consolidated Funds the warrant of the Treasury is sufficient. The Controller, on receipt of the warrant, satisfies himself that the charges are in conformity with the law, and issues his own warrant to the Bank to raise a credit to the party in whose favour the Treasury Warrant was given.

"2. In the case of services voted by Parliament in Committee of Supply, the proceeding is somewhat different. As the monies have been granted by Parliament to Her Majesty, the Queen's signature is required to a Royal Order. The Royal Order authorises the Controller of the Exchequer to issue for the service specified the whole or part of the sum granted by Parliament, at such times, and in such proportions, as shall be specified by the warrants and directions of the Treasury. Two Royal Orders at least are required for the Navy and each of the Army Services. Each class of Miscellaneous Services is now included in one order; but the several votes are specified.

"The Royal Order is followed by a Treasury Warrant, either for the whole or part of the sum stated in the order, authorising and requiring the Controller to transfer from the general fund of the Exchequer to the particular department the sum stated, according to such proportions, and at such times as the Lords of the Treasury shall from time to time direct.

"The issue is authorised by a Treasury Letter, signed by the Secretary, directing a grant out of the Exchequer to the credit of the particular account. This letter specifies the Royal Order and the Treasury Warrant.

"Thus the Royal Order gives authority for the Treasury and the Exchequer to act with respect to the monies granted to Her Majesty by Her Parliament. The Treasury, by its most formal act, a warrant, authorises the Controller to issue within a certain specified amount on receiving their directions. The Treasury Letter, from day to day, directs the issue of the sum required for the immediate wants of the service.

"The Controller of the Exchequer having examined and satisfied himself of the legality of the issue, and of the provision of ways and means for such issue, issues his warrant to the Bank, directing them to grant the credit required in favour of the party named.

"When the Exchequer Commission framed their Report, and subsequently, when the Exchequer Act was passed, and the regulations under it were framed, there existed separate pay offices for the Navy, Army, Ordnance, and Civil Services, and other accountants of minor importance. The issues therefore made from the Exchequer to the Treasurers of the Navy and Ordnance, and the Paymasters of the Forces and Civil Services, could not be transferred from one to the other; and though there were services performed by one department out of its funds for another, and afterwards repaid, as a general rule the sums issued for a specified service were appropriated and employed for that service.

"All these great offices, as well as most of the smaller, are now absorbed in the one office of the Paymaster-general; and the sums which, at the passing of the Bill, were divided among different accountants, are now issued to the Paymaster-general, whether for Navy, Army, or Miscellaneous Services; and the several Exchequer credits raised at the Bank for these respective services can all be drawn upon by that officer.

"This change has reduced the balances of public monies in the hands of accountants, and has diminished the cost of the establishments. But however beneficial in these respects, it has facilitated, if not introduced, changes as respects the dealing with the public monies, which do not appear to have been sufficiently considered at the time.

Pay Office.

"We will endeavour to explain the course of proceeding at the Paymaster's Office, and state, as illustrations, some of the transactions which appear in the evidence, taken before the Committee of 1856. The Comptroller, as it has been stated, issues to the separate credits of the several services, Army, Navy, and the different Miscellaneous Votes. On these credit the Paymaster-general can draw without any check from the Exchequer. 'The Pay-'master-general's Banking Account at the Bank of England,' says Sir C. Trevelyan, the Assistant Secretary of the Treasury, is divided under two heads, Receipt and Payment; the 'receipt side is again subdivided into two heads, one of which is his Exchequer Credit 'Account, representing the credits which he daily receives from the Treasury, under the 'several heads of service for carrying on the payments entrusted to him; the other his Cash 'Account, representing the miscellaneous sums received by him on account of sale of old 'stores, transfers,' &c.

"'The payment side is also subdivided into two heads, one of which is called his Drawing 'Account, for making ordinary cash payments; the other, his Bill Account, for paying the 'numerous Commissariat, Navy, and other Bills. No payments whatever are made from App. 507, p. 1. 55 (1856). 'the receipt side of his account (viz.: his Exchequer credit, and his cash account), which is 'used merely as a channel for replenishing the payment side.'

"The Paymaster-general receives sums from other sourcers than the Exchequer.

"We have already stated that he acts as banker for several of the departments, and is the channel through which their payments are made into the Exchequer. Payments are made for the sale of old stores by the Navy, Army, &c., and these payments are made through the Paymaster, either in cash, or by transfer. He holds also certain deposit funds, which he retains until required, and which never go into the Exchequer. These several sums are paid into his cash account, and from thence find their way into the drawing acccount, and are used indiscriminately for whatever service may be required. The issues from the Exchequer are in proportion diminished so long as these sums remain with the Paymaster, and the charge of interest on Deficiency Bills is diminished if Deficiency Bills are necessary.

App. 20. p. 816 (1856). "The amount of monies which passed through the hands of the Pay Office on the road to the Exchequer in 1855-56 appears to have amounted to above 600,000 *l.*, not taking into account monies drawn for the sale of Exchequer Bills, and bonds which amounted to 7,000,000 *l.*

App. 19, p. 815 (1856). "On the 31st March 1856, the termination of the financial year, the balance of deposits in the hands of the Paymaster appears to have been above 395,000 *l.*

"We will now show the practical working of the Pay Office. It is right that The House should have the facts before them; they will find the arguments on either side ably stated in the papers from the Treasury and the Exchequer, in the two Appendices.

"From the drawing account all claims, except bills, are paid by checks on the Bank, when the claims are large; smaller sums are paid at the Pay Office.

"It will be seen at once that if the payments made from the Drawing Account for a particular service (say the Navy), exceed the credit for the naval expenditure, granted by the Exchequer, payments have been made for that service beyond the authority given by the Treasury, as well as the credits issued for that service by the Exchequer; and that monies issued

issued for other services, or sums from the deposits, or monies on the way to the Exchequer, have been applied to Navy Services. This appears to be the constant practice of the Pay Department. It may be well to give a few examples.

"On the 6th of April 1854, it appears that 4,203*l.* was paid for annuities and pensions charged on the Consolidated Fund. Several payments were made, and the greater part of the charge incurred, before any Exchequer credit was obtained, which was on the 19th May. Again, the first payment for Courts of Justice was made on the 6th of April; between that date and the 28th near 50,000*l.* was issued, but no credit was obtained until that day. 3437. 3438 (1856). 3439. 3440 (1856).

"Of the Miscellaneous Charges, the first payment was made as in the former case on the 6th April; between that day and the 28th there was spent 14,000*l.*; the first credit was obtained on the 28th. These cases might be multiplied.

"On the other hand, sums are issued for services beyond what is required, and the surplus being carried to the drawing account, paid away for other services, *ex. gratia*:—

"In the same year on the vote for the prisons at home, there was a balance of 54,000*l.* on the 1st of April. At the 23d of April the balance was still 30,000*l.*, but a further credit was drawn of 14,000*l.* without, as it would appear, any apparent cause. The excess of the sums required for the prisons was of course carried to the drawing account, and paid for other services. 3470, &c. &c. (1856).

"But a singular example came before us which it may be right to mention. A sum of 80,000*l.* was voted by Parliament for the funeral expenses of the Duke of Wellington. The whole of this sum was issued from the Exchequer before the 5th of April 1853, and before the 15th of April the whole sum so issued was withdrawn from the credit and carried to the drawing account of the Paymaster. On inquiry before the Commitee of 1856, it appeared that in July last 24,000*l.*, a balance of the 80,000*l.*, had not been required for the expenses of the funeral remained with the Paymaster. This sum, therefore, must have been applied to the payment of other services, and been paid and repaid for above three years, in a manner not very easy to trace.

"In this case, it is stated that the issue was directed under misinformation, and that there existed no legal means of repaying the sum once issued to the Exchequer in such a maner as would have enabled the Treasury to obtain a re-issue when required.

"Nor must the operation of the sums held by the Paymaster-general on the deposit accounts, and of monies on the way to the Exchequer, be overlooked. These amounted on the 31st March 1856 to 395,000*l.* The Paymaster having such a sum in his hands transfers it from his cash account to his drawing account; from his drawing account pays it out for any services required; and in consequence applies for less credits. It may happen, and no doubt does happen, that the sum total of his payments exceeds the sum total of his credits, for such time as he has these balances in his hands. We will give a striking example. In December 1855, a sum of 150,000*l.* was paid from the Turkish loan to the Paymaster-general, to be applied to the purchase of steam-vessels and coals. This was a deposit to the Admiralty from the Turkish Government for stores, &c. to be purchased for them; it was placed to the credit of the Admiralty in the Paymaster's accounts; was transferred from the cash account to the drawing account, and paid away for any authorised service. It acted as a loan so long as it was not required for the payment of the expenditure for which it was deposited, and for that time enabled the Paymaster to pay more than issued by the Exchequer, and monies were applied as ways and means not provided by law. App. 18, p. 815, (1856). Return 24 (1856). 1541 to 1549 (1856).

"In the cases hitherto related, except perhaps the last, the services had been voted by Parliament, and though the payments may have exceeded the issues from the Exchequer, they did not exceed the Votes of Parliament.

"But from a Return laid before the Committee of 1856, it appears that in 19 cases, between the 1st April 1854 and 1st April 1856, payments were made for services not then voted by Parliament and for which, of course, neither Royal Order, Treasury Warrant, Issuing Letter, Exchequer Warrant, or credit, existed. These payments were made from the drawing account, from sums issued, for or dedicated to some other purposes. App. 14, p. 802 (1856).

"The whole of these advances might have been made from Civil Contingencies, the available balance of which was at all times sufficient, and there was no necessity for the course pursued. These sums were, with one exception, repaid when the Votes were passed.

"It is stated also in the Return before quoted that a considerable advance was made in 1855–56, from army funds, amounting on the whole to 832,936*l.*, until the Supplementary Estimate was voted for Ordnance Services. This step is said to have been necessary in consequence of the war, and the interchange of duties and mixture of funds of Army and Ordnance, while the amalgamation of the departments was in progress.

"From the Pay Office the sums required for the public service are made either direct to the parties to whom they may be due, or on imprests to those intrusted with payments.

"We proceed to give a short statement of the arrangements in force for the audit of these payments at the Audit Office, or in other ways. Audit.

"The Audit Board are constituted under an Act of Parliament. They hold their office during good behaviour, and their salaries, like those of the Judges and the Controller, are charged on the Consolidated Fund. 'The Board are enjoined by the 25 Geo. 3, cap. 32,

'(under which they were instituted) to try and examine the several accounts and vouchers 'which shall be transmitted to them from time to time, and upon trial and examination 'thereof, to make full, just, and perfect accounts.'

"An account comes to the auditors, either by the direction of an Act of Parliament or from the Treasury. They first charge the Accountant in the books of their office with the sums issued to him, and then a requisition letter is sent to him to render an account of that sum. The account, when it comes back into the office, is placed in the hands of an inspector, and is inspected, in order to see that the balances are in safe custody, and to ascertain whether there is any unusual or large expenditure which should attract immediate attention. The account is then put into the hands of the Examiner, who goes through the examination of that account with the authorities and vouchers, and the Inspector frames queries where it may be necessary.

"When these queries have been answered, he lays the queries and the answers before a Committee of the Board, which always consists of two, to decide upon those answers, and then the account is made up into what is called *the state* of the account, which is first audited by a Committee of the Board, consisting of two, and the account is then transmitted to the Treasury for their final warrant. It is returned to the Audit Office with the Warrant of the Treasury, and it is then signed for declaration, or for passing, as the case may be, and it is subsequently declared before the Chancellor of the Exchequer.

Appropriation Check.

"It is necessary here to explain the nature of what has been called the Appropriation Audit, and which is not unfrequently confounded with the regular audit.

"The appropriation audit was first created by an Act brought in by Sir James Graham in 1832, and applied to the Navy Accounts.

"By the arrangements then introduced, an officer of the Audit Department acts concurrently with the Accountant-general's officer at the Admiralty, and as each entry is posted, sees that it is carried to its proper head of expenditure. There would seem to be some difference of opinion as to the extent to which these officers practically exercise a check as auditors. The Memorandum of Mr. Romilly, Chairman of the Audit Board, will be found in the evidence of 1856. The object of this audit, and its great value, would appear to consist not in a strict examination of the vouchers, &c., for the several payments, but as a check that the monies granted by Parliament are correctly applied to the several votes taken; and that any irregularity or excess should be brought before Parliament.

Page 442 (1856).

"Every year the auditors have to frame and lay before Parliament an account showing the sums voted under the several heads, and the actual expenditure under each head, together with the objections made by them to the departments, and the explanation received where the explanations have not satisfied the auditors. These accounts of the Navy Receipts and Expenditure have been presented regularly to Parliament.

"The accounts of the year terminating on the 31st March 1856 were made up and rendered to the Audit Office in November 1856, and were presented on the meeting of Parliament in 1857, and in time for the discussion on the Navy Estimates.

"In order to prevent confusion, we shall call this proceeding the 'Appropriation Check.'

"There is much difference as to the practice and law in auditing the accounts of the different services.

"The Navy Accounts are not examined in detail by the Audit Board. The effective services are audited by the Accountant-general of the Navy, and are submitted to the appropriation check, as we have already stated. The non-effective are audited by the Audit Board.

"The Army, Ordnance, and Commissariat departments are now united. The expenditure for these Services is audited by the officers of the department, but subject to the appropriation check. With respect to the Civil Services, there is no general rule. Some accounts are audited by the Audit Board, but are not subject to the appropriation check; as the Customs, Inland Revenue, &c. The Public Works is subject to the audit, and the appropriation check. Others are not audited, or subjected to the check. Such are the Votes for the Houses of Parliament, for the Treasury, for the Secretaries of State, &c. By an account laid before the Committee of 1856, by the Chairman of the Audit Board, is appears that of 11,329,392 *l.* of Civil Service expenditure, 9,184,500 *l.* was examined by the Audit Board; 63,695 *l.* was partially examined; and 2,081,197 *l.* was not examined at all by them. The accounts of the Controller of the Exchequer do not seem to have been audited by the Board, although they have been forwarded regularly since the establishment of the office in 1834.

App. 27, p. 334 (1856).

Page 48, 4277 (1856).

Page 9 (1856).

"We have endeavoured to state the general course of the receipt, issue, payment, and audit of public monies. It was necessary to do this, in order that our proposals should be intelligible. Very much has been omitted, not to make this statement too long; on the other hand, we have dwelt on points to which our recommendations will refer.

Treasury Plan.

The plan suggested by the Treasury proposes a great alteration in the system of Parliamentary control.

"By that scheme the Exchequer would be entirely swept away. The whole revenue would be carried to the Consolidated Fund; the signature of two auditors would be required to a certificate placing at the disposal of the Treasury the sums voted by Parliament in Ways of Means Acts; the Treasury would write off from the Consolidated Fund to the

Supply

Supply Services, or the account for which the charges on the Consolidated Fund were to be met. The monies voted for all the different services are considered as one aggregate sum—so drawn by the Treasury, and so transferred to the Paymaster. Reliance is placed on the appropriation check and the audit for securing that the monies have been applied according to the intentions of Parliament.

"We cannot recommend the adoption of this great change. Simplicity of accounts is no doubt important; but we are not prepared to purchase it at the cost of that control over the issues which has been so much valued by Parliament and high constitutional authorities.

"We are told in the Treasury Memorandum, that the control of the present Exchequer is illusory; and though the papers before the Committee of 1856 would lead us to believe it to be a more efficient check than is represented, still it must be admitted that by the consolidation of the different pay-offices, and the arrangements in the Paymaster-general's Office, the control of the Exchequer has been much diminished. But that control should be strengthened, and not swept away.

"Neither are we satisfied to place our entire reliance on the appropriation check, valuable as we believe it to be. It has been in operation in the Navy since 1832, and we believe it has worked well there; in the Army and Ordnance we have no sufficient experience; and at the Department of Works it has clearly failed either to enforce the production of accounts, or to prevent the appropriation of money to services not voted by Parliament.

"Mr. Hoffay, now Assistant-paymaster, and long engaged on the appropriation check of the Navy Accounts, declares that the 'problem of effectually checking the proceedings of 'the large administrative departments is still to be solved;' and if the difficulty of checking these departments is so great when the audit officer acts on behalf, and with the support of the Treasury, it will be much increased when the check is to be applied to the Treasury itself. Paper 138, p. 50 (1856).

"Much of the action of the Pay Office and of the Exchequer depends on the balance in the hands of the Bank of England. Balances in the Bank.

"At the close of each quarter (we are stating the practice until a very short time ago) an account was made up between the Treasury and the Exchequer, showing on one side the amount of balance in the Bank at the Exchequer Account, and, on the other, the amount of charges on the Consolidated Fund for the quarter; a certificate was then given by the Controller-general, and a warrant was issued, stating that the produce of the Consolidated Fund would be insufficient to defray the charge thereon by a sum specified, and giving directions to issue Deficiency Bills to that amount. 9. 622, p. 83 (1856).

"This course appears to have been somewhat altered of late, but in nothing that affects the point in question. This account is a comparison of the charges on the Consolidated Fund, and of the monies in the Exchequer applicable to these Consolidated Fund charges. It would still be required, in order to fix the maximum amount of Deficiency Bills which are to be made out; but in this comparison the sums applicable to the charges of the Consolidated Fund in the Bank of Ireland are omitted; these we consider should be included in the balance of monies to be set off against the charges. 6. 624, p. 83 (1856).

"But there is another and an important question; viz., the amount of Deficiency Bills which should be issued to the Bank from time to time on which the public pay interest to the Bank. This requires a different account to be stated on different principles. The balance in the Exchequer should not alone be taken into account; the balance of public money in the hands of the Bank, whether at the Exchequer or Paymaster's accounts or as undrawn credits, should be considered.

"By neglecting these sums, Deficiency Bills may be issued at a time when, taking the aggregate amount, the balance at the Bank is really in favour of the public; and at any rate, the amount of such bills is larger than necessary. We would suggest that the amount of Deficiency Bills to be issued to the Bank of England should be ascertained by a comparison of the aggregate amount of these balances and the charges on the Consolidated Fund. The necessary information can be furnished from the Bank, when it does not exist in the Exchequer. This change would require the assent of the Bank.

"It may be proper also to make some alteration in the accounts laid before Parliament, and those published every quarter.

"The Exchequer Account, now laid on the Table every year, under the 4 Will. 4, c. 15, and 17 & 18 Vict. c. 94, very properly states, not only the amount of the balance at the account of the Exchequer, but also the credits granted but not drawn by public accountants. If to this were added in the balances at the beginning and end of the year the amount standing at the Bank of England and Ireland to the accounts of the Paymasters, the annual account would approach as much as practicable to an account of actual payments, and any possibility of playing with the balances would be prevented. Annual Exchequer Account.

"In the accounts published quarterly is given only the balance at the Exchequer in England and Ireland, exclusive of credits undrawn or monies in the hands of the respective Paymasters. Quarterly Accounts.

"We consider that it would be more satisfactory if the whole balance were stated, consisting of monies in the Exchequer Account, properly so called, monies granted as credits,

not withdrawn, and the balances in the Banks of England and Ireland at the separate accounts of the respective Paymasters.

"We have alluded to an alteration that has taken place in the form of the warrant for the issue of Deficiency Bills. This appears to have arisen from the Treasury declining to furnish to the Controller of the Exchequer an account usually given, but which they considered unnecessary.

"We observe that this account is proposed in the Treasury Memorandum to be given to the auditors. But without entering into the discussion on the particular case, we think, on principle, that the Controller of the Exchequer should have such information and returns as he may require for the performance of his public duties. The Audit Office, under the 9 & 10 Vict. c. 92, are invested with full powers to have access to all books, vouchers, minutes, and correspondence which *they* may wish to consult for the purposes of their examination. Any check would soon become delusive if the department to be checked had the power of refusing or withdrawing information because in their opinion it was unnecessary.

Receipt of Revenue.

"Since the appointment of the Committee of 1856 two Acts have passed the Legislature, which are improvements on the old system, and extend the principle of paying the gross revenue into the Exchequer.

"It appears, however, doubtful whether the law is sufficiently stringent, and we recommend, in conformity with the suggestion of the Controller and the Treasury Memorandum, that provision should be made by Act that all charges on the Customs, Inland Revenue, and Post-office departments should be paid under the authority of Votes of the House, excepting drawbacks, bounties, repayments, and discounts. We consider also that the principle should be extended, and that the revenues of the Woods and Forests should be paid in, as that of the other revenue departmenst, in gross, and all the expenses voted on Estimate.

"With respect to the receipts in the Paymaster's Office of revenue on its road to the Exchequer, the present practice is open to grave objections. It arose at the time when, and according to law, the receipts for stores, &c., were not paid into the revenue, but remained in the chests of the respective Paymasters, and as it then was necessary. A more satisfactory arrangement should now be made, by which the Paymaster should, as far as possible, be relieved from those sums which confuse and complicate his accounts.

"We recommend, then, that, when practicable, all payments into the Exchequer should be made direct. Where these payments are made by transfer, we apprehend that such transfer could be made by the Exchequer itself on the authority of the department, information being given to the Paymaster. There may, however, be sums paid in cash to the Paymaster. In principle, this should as much as possible be avoided; but if this cannot be done without giving rise to other inconvenience, stringent checks should be framed, and directions given to the Paymaster, to ensure that sums so received be paid into the Exchequer as soon as they exceed a certain small amount. The drawing account of the Paymaster should be fed from the Exchequer, and not from other sources.

"The repayments between departments can be made by transfer, at the Exchequer, from one credit to another; and in case, as in the Vote for the Duke of Wellington's funeral, that a larger sum has been drawn on any Vote than is required, we see no objection to its being returned to the credit of that Vote at the Exchequer until wanted, when it can be drawn out.

Deposit funds at the Pay Office.

"It is still more objectionable that the Paymaster should retain deposit monies in his hands, and carry them to his drawing account for general payments. For the time these deposits are in his hands they act as a loan, and the Paymaster receives and employs money not voted by Parliament, or granted by any Ways and Means Act. They tend also to disturb his accounts. If the Paymaster has a large sum of deposit monies in his hands, he employs it in meeting general payments through his drawing account; he consequently applies for smaller amounts from the Treasury, and the aggregate amount of his payments will exceed the aggregate sum authorised by the Treasury and issued in credits by the Exchequer. No deposit monies should permanently remain in the hands of the Paymaster, or be carried to his drawing account.

"We believe that our suggestions, if carried out, will do much to alter the practice of the Pay Office, and to bring the payments on each Vote within the credit. If the aggregate sum at the Bank is considered in settling the amount of Deficiency Bills issued to the Bank, it will no longer be of the importance that it hitherto has been to diminish by every farthing the credits; and if the deposit monies and the revenue on the road to the Exchequer are dealt with as we propose, the main causes which have disturbed the accounts of the Pay Office will be removed.

Pay Office.

"But we do not think it enough to stop here; the transactions in the Pay Office are not sufficiently under the check of publicity. Much trouble was taken before the Committee of 1856 to ascertain how far the transactions of the Pay Office were checked, or even accurately known to the auditors. But they should be brought before Parliament in a plain manner, and such as will call attention. We recommend, therefore, that an officer of the Exchequer, selected by the Controller, and removable by him, should be attached to the

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Pay Office; that he should have full access to all books and accounts; that it should be his duty to see that the regulations respecting the payment of the revenue on its way to the Exchequer, and the deposit monies, &c., should be properly followed; that each day he should compare the state of payments under each head, and ascertain whether the credit has been exceeded; that he should report on those points to the Controller of the Exchequer, as well as on any other relating to the misappropriation of public monies which may come to his knowledge. This officer will not interfere with any order, but merely report to the Controller. It will be for the Controller to communicate with the Treasury, and a copy of such communications and answers should be annually presented to Parliament as soon after the termination of the financial year as possible.

"The payments under each head of service should, on principle, be kept within the sum sanctioned by the Treasury and the credit issued from the Exchequer. In cases where this rule has been broken, the irregularity should be set right with as little delay as possible. We feel great confidence that if it be known that these cases will come before Parliament, and be subjected to comment, difficulties will disappear, and the payments be kept within the credits.

"The action of the Exchequer at the Pay Office should not interfere in any way with the audit of the Paymaster's accounts. These are transmitted monthly to the Audit Office. By attention to the dates of the issues, and receipts and payments, and perhaps a more frequent transmission of the accounts, we believe a further check will be effected. The Audit Board should present to Parliament an appropriation account, showing the votes for each service, and the payments made.

"We are about to suggest that a considerable addition should be made to the duties of the Audit Board, and that their check should be extended to the expenditure of the Treasury and other departments presided over by the highest officers of the State. Audit Office.

"On this account, as well as on other grounds, every arrangement which might, even in appearance, interfere with their independence should be removed. We suggest, therefore, that the Audit Board should no longer transmit through the Treasury those accounts, &c., which they are bound to lay before Parliament, but should communicate them direct; that the Treasury should have no power of altering those reports or accounts; that the appointment of Inspector of Army and Navy Accounts, the selection of officers for the respective duties, their removal and dismissal, should entirely rest with the Audit Board.

"With reference to the audit of accounts, we recommend—

"1. That, in accordance with the opinion expressed by the Controller of Exchequer and the Chairman of the Audit Board, the accounts of the Controller of Exchequer should be audited and a report certifying their correctness should annually be submitted to Parliament.

"2. That as the expenditure for the collection and management of the Revenue Departments is now paid under the Votes of Parliament, an appropriation account should be annually presented. These accounts, unlike those of the Army and Navy, are audited at the Audit Board, and we are not sure how far an audit officer will be required to sit at the several offices.

"3. That in all accounts now audited at the Audit Office an appropriation account should be annually presented.

"4. That all accounts partially audited should be fully examined, and an appropriation account presented.

"5. That in the case of the Treasury and other accounts which are not now audited, they should be examined and audited, and an appropriation account be presented annually.

"6. That the accounts of the issues for charges on the Consolidated Fund, excepting the Civil List of Her Majesty, and charges for the National Debt and savings banks, be audited by the auditors; that any balance remaining at the termination of the financial year be paid to the Exchequer; and the auditors should lay annually before Parliament an account, stating the issues under the several classes, and the payments made, on the same principle as the Appropriation Audit.

"7. That so far as practicable, all these accounts should be examined and checked at the Audit Office itself.

"8. That as soon as possible after the termination of the financial year, the auditors should present to Parliament a return of the state of the accounts under examination, and the reasons of any delay, should delay exist.

"That no account once referred to the Audit Board should be removed except with the knowledge of Parliament; that the minute removing such account should be laid upon the table within a certain number of days if Parliament is then sitting, and if not, immediately on its meeting.

"There is one point connected with the audit and the appropriation account of the Civil Services, which is not without serious difficulty. For the Army and Navy, the votes are taken for the charges that will come in the course of payment during the year; on the 31st

of March, therefore, the account closes, and no money voted for the year can be issued for a demand made subsequently. It follows that if there should be no votes for the new year before the 1st of April, the service must stop, as there exists no power of issuing or paying. For the great services of Army and Navy, votes are taken before the 1st of April, and the inconvenience does not arise.

"In the Miscellaneous Service, hitherto the practice has been different. The Votes and Appropriation Acts are so worded as to permit charges incurred under the vote being paid long after the expiration of the financial year. Balances of votes for former years can also be made available for the expenditure of the current year, in addition to the vote of the year.

"But if the system is to be changed, and that which prevails in the Navy and Army substituted, the difficulty will arise that, where no vote has been taken before the 1st of April, the service must be suspended. The Miscellaneous Estimates, as is well known, are rarely voted before April.

"We consider the system of the Navy and Army account is of great importance. The balances at the termination of the year should be paid to the Exchequer, and not carried on for the service of the next. Every effort should be made to meet the difficulty. This may be done to a certain extent by making the salaries, &c., payable on the last day of the quarter instead of the first, viz., on the 31st March, instead of 1st April or 5th April. But we fear that it cannot be entirely removed by any such arrangement, and that the solution must be left with Parliament. To vote on account of the Civil Services, without specific appropriation, would be open to serious objection; to take part votes for one quarter on each separate head would practically introduce double discussion; to change the termination of the year, at regards the Miscellaneous Votes, would confuse the public accounts. It may be possible to take one aggregate vote on account of the Civil Services, and to distribute that vote by separate specification in the Ways and Means Bill that follows.

"But, after all, no system of control will long continue efficient without the vigilance of Parliament. The House of Commons must support the constitutional checks in the proper exercise of their duty, and, from time to time, ascertain that their efficiency is not impaired by changes made by official regulations or Acts of Parliament passed without observation.

"The Commission of 1831 recommended that a law should be passed, constituting a commission of persons, independent of the Crown, and to be chosen annually by the House of Commons, to examine the annual Exchequer Account, and to report on it.

"The Finance plan of the Treasury proposes that a Financial Committee should be appointed at the commencement of every Session, to be presided over by the Speaker, and who shall report on certain accounts which it was intended should be presented to them.

"There is an objection to the Speaker belonging to such a Committee, where questions connected with the conduct of the Government would come under consideration. It is also clear that, though it is proposed that he should preside over the Committee, he would be unable to take part in any discussion in the House, inasmuch as he would be in the chair.

Appointment of a Parliamentary Committee of Check.

"We are inclined to suggest, that at the commencement of each Session the Speaker should nominate a Committee, to be called the Committee of Exchequer and Audit Accounts; that to that Committee should be referred the Annual Accounts of the Exchequer, and the Report of the Controller of Exchequer, also the Report and Appropriation Accounts of the Auditors; that the Controller and Auditors should be directed to prepare a statement of all alterations, by Act, Official Minute, or Regulation, affecting their respective departments in the course of the past year. That these should be referred to the Committee, who should report to the House.

"It remains for us to observe on some detached subjects.

Office of Paymaster-general.

"There may be some advantage in having at the head of the Pay Office a political officer who, from his position, has weight with his colleagues, and, from sitting in Parliament, is more directly responsible. But the present arrangement has no advantage whatever, and is entirely delusive. The officer called by the name of Paymaster-general does none of the proper duties connected with the department, and exercises no superintendence. It is true he receives no salary. We consider the political office should be abolished, and arrangements made for the appointment of a permanent Paymaster. The duties of the Chelsea Board should be transferred to one of the Under Secretaries for War.

Treasury Chest.

"The present Treasury Chest is the same as that which was called, until lately the Commissariat Chest.

P. 607, App. 3 (1856).

"The House will find, in the Appendix of the Committee of 1856, ample information as to the history of this fund, its nature, and the very creditable exertions which have been made at the Treasury and the Audit Office to bring it into its present satisfactory state. It is suggested in these papers, and in the Financial Memorandum of the Treasury, that the arrangements now in force under an Order in Council should be made law. A draft of an Act for such a purpose was prepared, and will be found in the Appendix of 1856. We entirely concur in this proposal.

Page 613 (1856).

Civil Contingencies.

"The position of the Civil Contingencies Vote is not equally satisfactory. This vote is a sum placed at the disposal of the Treasury, partly to meet unforseen expenses, and partly to

to make advances to other departments in case of difficulty. The first of these are final payments; the second are loans, to be repaid. As a matter of course, the payments for the past year are laid before Parliament, with the vote for the following. But this account does not include the loans made during the past or former years. It is quite possible therefore that a loan not repaid for a number of years might practically become a grant, although not returned so to Parliament. At any rate, at the time of voting the money, Parliament does not know the amount of civil contingencies in hand, or the manner in which it was disposed of in loans during the past year. The vote itself is necessary for the public service, and of great value. We do not wish to interfere with the power given to the Treasury to such extent as Parliament may judge fit; but we think that the amount of the fund should be known and fixed; that the loans as well as the final payments should come before Parliament; and that the vote taken should be equal to the amount of final payments, so as to replace the expenditure incurred, and to bring the contingency fund up to the fixed sum. The account should also be audited at the Audit Office, and reported on to Parliament.

"We cannot close our Report without alluding to the growing inconvenience connected with the Public Accounts. In the course of our inquiry we found that two departments, the Exchequer and the Treasury, furnished accounts of the same services, which did not agree. It appears that the Exchequer form had been originally settled by the Treasury in conformity with that employed by them; but when the Treasury form was altered, no alteration was made in the corresponding Exchequer Account. It would be of advantage if pains were taken to keep in conformity the accounts of different departments. Accounts.

"But the delay in furnishing the accounts is a more pressing evil. The Finance Accounts of last year and the year before were not presented until so late, that they were useless for any practical purpose during those Sessions; and though hopes were held out that this circumstance was accidental, and should not happen again, the finance accounts of this year are not yet in the hands of Members, although the principal part of the financial business of the Session is over. They may be valuable as statistical documents, but are useless for practical check.

"Again, as to the Appropriation Reports, the account of the Army Expenditure of 1855-56 is not yet presented; this account contains three quarters of the year 1855. The Army Estimates are long since past; when the account is presented it will enable The House to comment in 1858 on the expenditure of 1855.

"The Navy Accounts, we are glad to say, are not in arrear, the Audit Appropriation Report for 1855-56 was presented at the commencement of the Session of 1857.

"We would earnestly press this grievance on the consideration of Government, as it is with them alone that the remedy rests."

Draft Report, proposed by the Chancellor of the Exchequer, read 1°, as follows:

"1.—*Exchequer Issues and Paymaster's Payments.*

"Your Committee are satisfied from the evidence taken before them that the consolidation of the Pay Departments has been attended with public benefit; that it has diminished the balances left in the hands of the public accountants to the Crown; that it has increased the security of the public money and promoted economy; that these results are mainly to be attributed to the regulation which requires the Paymaster-General to make all his payments, within the limits of the respective grants of Parliament, from a single cash balance. Your Committee therefore recommend that this regulation should be extended to the Pay Departments in Dublin and Edinburgh.

"As the issue of money from the Exchequer in amounts sufficient to maintain a constant balance in the hands of the Paymasters, on each separate grant or head of service, over and above the balances in the Exchequer at the credit of such grants and services, would entirely defeat these objects, your Committee recommend that issues from the Exchequer sufficient to place a balance at the credit of every head of service should only be made at the close of every month; that the Paymasters should be required to make up for the Commissioners of Audit accounts to the end of every month, showing the balances for or against every head of service; and that any provision of the Exchequer Regulation Act of 1834 which may appear to be at variance with this mode of conducting the public payments should be repealed.

"2.—*Payments of the gross Revenue to the Exchequer.*

"During the progress of the inquiries of Your Committee, an Act was passed (19 & 20 Vict., cap. 59) for removing from the gross revenues certain superannuations and other charges which had remained payable out of those revenues after the passing of the Act 17 & 18 Vict., cap. 94, under which the charges of collecting the revenue and various other expenses were transferred to the Annual Estimates, or placed on the Consolidated Fund.

"With the exception of the charges on the Land Revenues of the Crown, the net receipts of which are only payable to the Consolidated Fund under the Act 10 Geo. 4, cap. 50, sec. 113, the only payments which can now be legally charged upon the public revenues, are drawbacks, bounties, repayments, and discounts. Although Your Committee have no

reason for believing that any expenses have been defrayed out of those revenues in thei progress to the Exchequer which were not legally chargeable thereon, they are nevertheless of opinion that it is essential to a proper Parliamentary control of the public money that the law should distinctly require that the whole revenue, after providing for those charges, should be paid to the Consolidated Fund, from which it cannot be issued without Parliamentary sanction.

"3.—*Deficiency Bills.*

"In the present state of the law (57 Geo. 3, c. 48), it is necessary that Exchequer Bills (Deficiency) should be issued to the full extent of the deficiency which may appear on making up the account of the income and charge of the Consolidated Fund to the close of the quarter, although it constantly happens that the growing produce of that fund for the subsequent quarter is sufficient to meet all charges without the aid of Deficiency Bills. Under such circumstances, the Exchequer Bills are issued to the Bank, and are paid off on the same day; but although this practice obviates the charge for interest on these advances, the money is, nevertheless, borrowed from the Bank when the public service does not require the loan.

"Your Committee, therefore, recommend that whenever the deficiency of the Consolidated Fund for the quarter, or any part thereof, can be directly provided for out of the growing produce of the fund for the following quarter, the issue should be made directly out of the public balance without the aid of a loan, nominal or otherwise, from the Bank.

"Your Committee further recommend that when actual advances by the Bank become necessary, either for Consolidated Fund services, or for supply services, the amount should be placed to the Exchequer Account without an issue of Exchequer Bills, and be applied by the Exchequer to the public service as at present, and that the advances should be treated as book debts, and be subject to all the existing provisions of the law as to redemption.

"4.—*Exchequer Bills (Supply).*

"A Vote in Supply is taken every year to pay off all outstanding Exchequer Bills; and Ways and Means in Exchequer Bills are granted to provide for such payment. The effect of this arrangement is, that the Bills of the current year are issued to pay off the Bills of the past year, except in those cases in which holders demand payment in money. It has been shown to the Committee that this annual renewal of Exchequer Bills is attended with trouble and inconvenience to holders, and with expense and risk to the public; and moreover, that the payment of Exchequer Bills in money out of the Ways and Means granted for Army, Navy, and other Supply services, leads to complicated adjustments between the Money grants and the Exchequer Bill grants of Ways and Means which it appears desirable to avoid. As a security to holders, Exchequer Bills charged on aids or supplies may, after the expiration of 12 months from their respective dates, be tendered in payment of any of the public revenues, aids, taxes, or supplies—a regulation which has the effect of applying revenue in its progress to the Exchequer to the payment of debt. Your Committee are of opinion that the law, as regards these Exchequer Bills, may be greatly simplified; they have, therefore, to propose—

"1st. That the principal of Exchequer Bills be redeemable out of the Consolidated Fund in those cases in which the holders can demand payment of their Bills in money, or pay them in for taxes under existing regulations; and that the interest be payable also out of the Consolidated Fund.

"2d. That the Government be empowered, as at present, to issue new Bills in lieu of those which may be paid off in money, the proceeds of such Bills, however, to be placed to the credit of the Consolidated Fund.

"3d. That the annual renewal of Exchequer Bills be discontinued, the bills running on from year to year, with the consent of the owners until called in for renewal; that the rate of interest be advertised annually; and that the bills be issued with coupons for the annual interest.

"5.—*System upon which the Public Accounts should be kept.*

"Your Committee consider that it is the necessary groundwork of any really important improvement that the whole of the public accounts should be kept on an efficient, and, as far as practicable, uniform system. The evidence given before them by competent witnesses has satisfied them that the commercial system of bookkeeping by double entry, wherever it has been applied in the public departments, has materially aided in introducing order and regularity in their financial transactions, has facilitated the audit of the accounts, and has promoted correct appropriation. The Inspector of the Audit Office appointed to check the appropriation of the naval and military expenditure, has borne testimony to the efficiency of the system of account in operation in the naval department, to the successful manner in which it has borne the test of great expansion during the late war, to the punctuality with which the annual accounts of receipt and expenditure have been presented to Parliament, and to the facilities which the system has afforded in conducting the concurrent audit of the naval expenditure.

"Your

"Your Committee therefore earnestly press on the attention of Government the necessity of extending that system to the accounts of the Public Departments in which it has not yet been adopted, and of providing a security, through the agency of a concurrent audit, for the maintenance of the system, on a principle of uniformity, when it shall have been generally established. Your Committee feel secured that whatever new securities may be devised for the faithful appropiation of the public money, they will be incomplete unless they are accompanied by a system of public accounts founded on the principles they have suggested.

"6.—*Extension of the Appropriation Check, and Presentation of Audited Accounts to Parliament.*

"The concurrent audit, or appropriation check, first applied to the expenditure of the Grants for Naval Services in 1832, and subsequently extended to the several Army Grants, was a new security introduced for ensuring the strict appropriation of the Grants of Parliament. It was not intended to limit the discretion of the responsible departments of the Executive Government in which it was established, but to secure a revision of their accounts by an independent authority, vested with sufficient powers of investigation to detect any misapplication of the Votes, or any deviation from the appropriation sanctioned by Parliament. This check is now confined to the Naval and Military Expenditure, and is regulated by the provisions of an Act (9 and 10 Vict., c. 92) passed in 1846; and the Commissioners of Audit transmit annually to the Treasury, for presentation to the House of Commons, accounts of Naval and Military Expenditure, compared with the Grants, accompanied by Reports, in which they direct attention to every departure from the provisions of the Appropriation Act. Your Committee recommend that this important check upon the application of the public money be extended to the accounts of the Income and Expenditure kept at the Treasury, to the accounts of the Revenue Departments, and to the various accounts comprising the expenditure of the Votes for Civil Services, including Civil Contingencies. And your Committee further recommend that these audited accounts be annually submitted to the revision of a Committee of the House of Commons, to be nominated by the Speaker.

7.—"*Principle upon which the Votes for Civil Services should be taken.*

"The difficulty which has hitherto prevented the Extension of the principles of Account and Appropriation check applied to the Naval and Military accounts to the accounts of Expenditure for Civil Services, has arisen from the delay which takes place in Parliament in voting the Estimates for Civil Services. These Votes being passed generally late in the Session, it has been considered impossible to adopt the principle applied to the Naval and Military grants, of providing only for the payments to be made in the financial year. Your Committee are of opinion that this difficulty may be overcome by taking one aggregate Vote, upon account, for all the Civil Services, distributing the amounts applicable to each separate Vote for Civil Services in a schedule, and deducting those amounts from the balances to be voted to complete the grants for the year.

"A course similar to this has been adopted in the present year, except that the Votes have not been limited to the provision required for meeting the payments to be made in the year.

"Under this arrangement, the accounts could be closed soon after the termination of the year for all home services; and as regards payments made abroad, immediately on receipt of the accounts of payments made up to the 31st March, all unexpended balances should be surrendered; and grants unapplied, but required for the completion of the services to which they had been appropriated should be re-voted.

"8.—*The Annual Accounts of Income and Expenditure to be founded on actual Receipts and Payments.*

"It is provided by the Act 10 Geo. 4, c. 27, that for the purpose of ascertaining the annual amount of surplus revenue, the Treasury shall cause to be prepared, after the expiration of each quarter, an annual account, showing the actual revenue and expenditure of the United Kingdom, in the four quarters for the whole year immediately preceding such quarter-days respectively, according to the actual receipt and issue of moneys at the Exchequer; and the 24th section of the Exchequer Act (4 Will. 4, c. 15) requires that the expenditure in such account, so far as it relates to Great Britain, shall be made up from the credits granted by the Exchequer. Your Committee are satisfied, from the evidence taken before them, that an account of Exchequer credits cannot represent a true account of expenditure; they therefore recommend that the basis of the account should be the actual payments of the several Paymasters to whom those credits are granted.

"9.—*Regulation of the Treasury Chest Fund.*

"Full information as to the nature of this fund, and the steps taken to bring it under proper regulations, will be found in the Appendix, No. 3, to the Report of the Committee in 1856, pp. 589 to 613. This fund was formerly known as "Army Extraordinaries," and subsequently as the "Commissariat Chest Fund." The object of the fund is to provide the means of carrying on the public service abroad. Under existing regulations, a Royal

Warrant defines the objects for which it is to be employed, and prescribes that accounts shall be prepared annually by the Commissioners of Audit, showing the sums paid into and out of the fund in the financial year, and the assets and liabilities of the fund at the close of the year. These accounts have been regularly laid before the House of Commons since the 1st April 1846.

"Your Committee concur in the propriety of the regulations under which this fund is administered, and the accounts are prepared; but they recommend, that instead of relying on the security of a Royal Warrant for the maintenance of those regulations, they should be confirmed by an Act of Parliament. The objects to which legislation should be directed in regard to this fund are the following:—

"1st. To limit the amount of the balance to be retained at the credit of the fund, and to provide that if it shall at any time exceed the limit fixed by law, the surplus shall be paid to the Consolidated Fund.

"2d. To provide that no final expenditure shall be charged upon the fund.

"3d. To provide that the fund shall only be employed for the legitimate banking operations of the Treasury Chests, and for advances for public and colonial services, repayable out of Votes of Parliament, or other funds applicable thereto.

"4th. To provide that accounts shall be laid before Parliament every year, showing the cash operations of the fund at home and abroad during the financial year, and the assets and liabilities of the fund at the close of such year.

"Your Committee are aware that the important and extensive changes which they have suggested cannot all be immediately carried into effect; but they believe that the continued attention of Parliament and of the Executive Government to the subject will secure, at no distant date, allthe objects embraced in their recommendations."

Motion made, and Question proposed, "That the Draft Report proposed by the Chairman be now read 2°, paragraph by paragraph" (*Sir H. Willoughby*).

The Committee deliberated.

[Adjourned to Tuesday, 4th August, at Twelve o'clock.

Martis, 4° die Augusti, 1857.

MEMBERS PRESENT:

Sir Francis Baring, in the Chair.

The Chancellor of the Exchequer.	Mr. Hankey.
Sir James Graham.	Mr. Bowyer.
Sir Henry Willoughby.	Mr. Henley.
Mr. Wilson.	

Question put, "That the Draft Report proposed by the Chairman be now read 2°, paragraph by paragraph." The Committee divided:

Ayes, 2.	Noes, 5.
Mr. Bowyer.	The Chancellor of the Exchequer.
Sir H. Willoughby.	Mr. Wilson,
	Sir J. Graham.
	Mr. Hankey.
	Mr. Henley.

Question put, "That the Draft Report proposed by the Chancellor of the Exchequer be now read 2°, paragraph by paragraph." The Committee divided:

Ayes, 5.	Noes, 2.
The Chancellor of the Exchequer.	Mr. Bowyer.
Mr. Wilson.	Sir Henry Willoughby.
Sir J. Graham.	
Mr. Hankey.	
Mr. Henley.	

Veneris, 7° die Augusti, 1857.

MEMBERS PRESENT:

Sir F. Baring in the Chair.	Sir James Graham.
The Chancellor of the Exchequer.	Mr. Williams.
Mr. Henley.	Mr. Hankey.
Mr. Bowyer.	

Draft

Draft Report proposed by the Chancellor of the Exchequer, read 2°, paragraph by paragraph.

Paragraph 1 (Exchequer Issues and Paymasters' Payments), read, amended, and agreed to.

Paragraph 2 (Payments of the Gross Revenue to the Exchequer), read 2°, and several amendments made. Amendment proposed in page 4, line 15, after the word "sanction," to insert the words: "And with regard to the charges on the Land Revenues, the Committee are of opinion, unless some constitutional difficulty should be involved in the change, these charges should be brought under the same Parliamentary control, and under the system of votes for expenditure, as the charges respecting the other branches of Public Revenue" (Mr. *Hankey*).—Question, "That those words be there inserted," put and agreed to.

Paragraph, as amended, agreed to.

[Adjourned till Monday, at One o'clock.

Lunæ, 10° *die Augusti*, 1857.

MEMBERS PRESENT:

Sir F. Baring in the Chair.	Sir Henry Willoughby.
Mr. G. A. Hamilton.	The Chancellor of the Exchequer.
Mr. Hankey.	Mr. Wilson.
Mr. Williams.	Sir James Graham.

Draft Report further considered.

Paragraph 3 (Deficiency Bills), read, amended, and agreed to.

Paragraph 4 (Exchequer Bills [Supply]), read, and agreed to.

Paragraph 5 (System upon which the Public Accounts should be kept), read, amended, and agreed to.

Paragraph 6 (Extension of the Appropriation Check, and Presentation of Audited Accounts to Parliament), read and amended.

[Adjourned till Wednesday, at Twelve o'clock.

Mercurii, 12° *die Augusti*, 1857.

MEMBERS PRESENT:

Sir F. Baring in the Chair.	The Chancellor of the Exchequer.
Sir J. Graham.	Mr. Williams.
Sir H. Willoughby.	Mr. Wilson.
Lord Stanley.	Mr. Hankey.
Mr. Henley.	

Paragraph 6, further considered and amended. Amendment proposed in page 6, line 39, to insert the words: "It is desirable that an annual account of all guaranteed loans, including the payments made and the arrears, if any, due to the Consolidated Fund, shall be presented to this Committee, and that they do report thereon specially to the House" (Sir *James Graham*).—Question, "That those words be there inserted," put and agreed to.

Question, "That the paragraph, as amended, stand part of the proposed Report," put, and agreed to.

Paragraph 7 (Principle upon which the Votes for Civil Services should be taken), read, amended, and agreed to.

Paragraph 8, postponed.

Paragraph 9, read, and agreed to.

[Adjourned till Friday next, at Two o'clock.

Veneris, 14° *die Augusti*, 1857.

MEMBERS PRESENT:

Sir F. Baring, in the Chair.

Sir James Graham.	Mr. Williams.
Mr. Hamilton.	The Chancellor of the Exchequer.
Mr. Wilson.	Sir H. Willoughby.

Paragraph 8, read, and agreed to. Amendment proposed after paragraph 1 of the proposed Report, to insert the following words: "That your Committee report that the department of the Pay-office is regulated by statute 5 & 6 Will. 4, c. 35, 1835. But your Committee find that in practice many of the most important provisions in this statute are either nullified or wholly set aside. Thus the Paymaster-general, to whom important functions are assigned by the 5 & 6 Will. 4, c. 35, is practically a cypher, and his duties are performed by a deputy, nominated by the Lords Commissioners of the Treasury, and who is wholly irresponsible to Parliament. Your Committee recommend that the statute of 5 & 6 Will. 4, c. 35, should be revised and amended, and that the practice in the Department of the Pay Office should be rendered conformable with the law" (Sir *H. Willoughby*).—Amendment proposed to the proposed Amendment, to leave out from the word "That," to the end thereof, in order to add the words: "Your Committee are of opinion that the Paymaster-general should cease to be a political officer, discharging his duties by deputy; and that he should become the acting and efficient head of the Pay Office, performing his duties in person" (*Chancellor of the Exchequer*), instead thereof.—Question put, "That the words proposed to be left out stand part of the proposed Amendment."—The Committee divided:

Aye, 1.	Noes, 5.
Sir H. Willoughby.	Sir J. Graham.
	The Chancellor of the Exchequer.
	Mr. Hamilton.
	Mr. Wilson.
	Mr. Williams.

Words added.— Question, That the words "Your Committee are of opinion that the Paymaster-general should cease to be a political officer, discharging his duties by deputy; and that he should become the active and efficient head of the Pay Office, performing his duties in person,' be inserted after paragraph 1 of the proposed Report," put and agreed to.

Question, "That this be the Report of the Committee," put, and agreed to.

Ordered, To Report, together with the Appendix.

APPENDIX.

Appendix, No. 1.

MEMORANDUM ON FINANCIAL CONTROL put in by the CHANCELLOR of the EXCHEQUER.

BEFORE submitting for consideration the several measures which it appears desirable to adopt for establishing a more simple and effectual check upon the issue and appropriation of the public money, it may be useful to take a brief review of the control which Parliament at present exercises over the administration of the public finances.

Budget.

In the first place, the Chancellor of the Exchequer, before or soon after the close of each financial year, submits to the House of Commons a general statement of the results of the financial measures of the preceding session, and gives a general view of the expected income and expenditure of the ensuing year; he intimates at the same time whether the Government intends to propose the repeal of any taxes, or the raising of money by the imposition of taxes, or by loan or otherwise. This exposition of the state of the finances for the past and for the ensuing year gives the House of Commons all the necessary information to enable them to exercise an important check upon the minister, by limiting his means of raising money to the sums actually required for the public expenditure. If his statement shows a larger surplus revenue than the House of Commons considers it prudent to leave as a margin to the Government, pressure is immediately brought to bear upon it to procure a reduction of taxation; if, on the other hand, the minister shows that the revenue will be insufficient to meet the expenditure, it rests exclusively with the House of Commons to grant or to refuse the demands which may be submitted to them for meeting that deficiency. The intention of this budget statement is not only to lay before the House of Commons the scheme of taxation for the ensuing year, but to satisfy them that the public income to be raised in the year will be sufficient, and no more than sufficient, to meet the expenditure which the Government proposes to incur during the year. This is the first important step in our system of financial control.

Estimates and votes.

Before entering upon the subject of the annual estimates and votes, it may be proper to explain how the income of the Consolidated Fund is made applicable to the public expenditure. At a date comparatively recent it was the practice to appropriate particular sources of revenue and moneys raised by loan or otherwise to particular purposes, instead of paying all those moneys to the Consolidated Fund. During the war which ended in 1815, the greater part of the public revenues and other receipts was made directly applicable to the payment of supply services, and was not consequently paid into the Consolidated Fund. One example will suffice to illustrate the manner in which a large portion of the public receipts was diverted from the Consolidated Fund.

The grants in supply for the year 1813 amounted to 71,976,640*l.* The amount of ways and means charged on the surplus of the Consolidated Fund applicable to the grants in supply was only 500,000*l.* The rest of the ways and means required to meet these grants was provided by appropriating to them duties on malt, property, spirits, tea, tobacco, and various other war taxes, moneys raised by loan, by sale of exchequer bills, by debentures, lotteries, and receipts derived from the sale of old stores. The moneys derived from these sources were appropriated directly to the payment of supply services,

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and could not therefore be carried to and form part of the income of the Consolidated Fund.

At present, however, it is the practice to place all the public revenue and moneys borrowed to one account called the Consolidated Fund, and to provide for all public payments out of that fund. This provision is made in two ways:—

I. By permanent grants under Acts of Parliament, payable directly out of the Consolidated Fund.

II. By annual votes payable out of ways and means provided annually, by limited grants, out of the Consolidated Fund.

Consolidated Fund Charges.

The services provided for by permanent grants are as follows:—

1. The funded debt, including life and other annuities.
2. The civil list.
3. Annuities to the Royal Family, pensions for distinguished naval, military, and civil services.
4. Salaries and allowances of certain independent officers.
5. Courts of justice.
6. Miscellaneous services, comprising interest and sinking fund of the Russian, Dutch, and Greek loans, compensations, &c.

These charges are made payable out of the Consolidated Fund by permanent statutes; they continue payable out of the income of the Consolidated Fund from year to year, without any renewal of parliamentary authority. The principle of not subjecting to the uncertainty of an annual vote the provision for the security of the public creditor, the dignity of the Crown, the annuities to the Royal Family, and those granted for distinguished public services, the salaries of judges and other officers in whose official character independence is an essential element, compensations for rights surrendered, and like charges, although it may have been carried too far, is one the soundness of which is generally admitted. Out of an ordinary peace expenditure, amounting to 56,000,000 *l.* gross, these permanent charges, not voted, amount to about 28,000,000 *l.* The remaining public expenditure consists of the interest of the unfunded debt, the charges for the maintenance of the naval and military forces, the collection of the revenue, and the various civil services comprised in the miscellaneous estimates.

Exchequer Bills (Supply).

The unfunded debt, consisting of exchequer bills, is paid off and renewed annually. A vote in supply is taken annually to discharge the amount of bills outstanding, and Parliament, by Act, grants authority to raise the sum necessary for that purpose by a fresh issue of exchequer bills. Practically a mere exchange of securities takes place, but holders who may not be inclined to renew are paid off in money.

Voted Services.

The annual charges for the naval and military forces, for the collection of the revenue, and for the various civil services, after revision and approval by the Treasury, are submitted to the House of Commons in very detailed estimates. These are examined and discussed in Committee of Supply, and the sanction of the House of Commons is embodied in resolutions which appropriate limited sums for services separately defined, and for the limited period of one year. These appropriations extend to about 230 separate services, for each of which a distinct provision is made.

Ways and Means.

But these resolutions, although they record the sanction of the House of Commons to the expenditure submitted to them, and authorize a grant to the Crown for the objects specified in such resolutions, do not enable the Government to draw from the Consolidated Fund, to which the whole of the accruing income is placed, the money requisite for that purpose. A further authority is required in the shape of a resolution in Committee of Ways and Means, which must be embodied in a Bill, and be passed through both Houses of Parliament, before practical effect can be given to the votes in supply, by authorizing the Treasury to take out of the Consolidated Fund, or, if that fund be insufficient, to raise by exchequer bills on the security of the fund, the money required to defray the expenditure sanctioned by such votes. The votes in Committee of Supply authorize the expenditure; the votes in Committee of Ways and Means provide the funds to meet that expenditure.

The

The manner in which this provision is made is as follows :— Appendix, No. 1.

As soon after the commencement of the session as possible, when votes on account of the great services have been reported, a resolution is proposed in Committee of Ways and Means for a general grant out of the Consolidated Fund towards making good the supply granted to Her Majesty; this grant never exceeds the amount of the votes passed in Committee of Supply; upon this resolution a Bill is founded, which passes through its various stages, and finally receives the Royal assent; and then, but not before, the Treasury are empowered to direct an issue out of the Consolidated Fund to meet the payments authorized by the vote in supply of the House of Commons. The constitutional effect of this proceeding is, that until the Queen and the House of Lords have assented to the grant of ways and means, the appropriation of the public money directed by the vote in supply of the House of Commons is inoperative. These general grants of ways and means, upon account, during the session, in anticipation of the specific appropriations embodied in the Appropriation Act passed at the close of the session, may be viewed as the form in which Parliament considers it most convenient to convey their sanction to the *ad interim* issue of public money upon the appropriation directed by the Commons alone, relying upon their final confirmation being obtained at the close of the session. The final grant of ways and means to cover the whole of the supplies voted in the session is always reserved for the Appropriation Act; thus, although the House of Commons at an early period of the session might have voted the whole of the supplies of the year, they could still hold their constitutional check upon the minister by limiting the grant of ways and means to an amount sufficient only to last such time as they might think proper to give him the means of carrying on the public service, and they are by such limited grants at all times enabled to prevent the minister from dissolving or proroguing Parliament.

The Appropriation Act at the end of the session gathers together the whole of the votes in supply, and the grants already authorized out of the Consolidated Fund to meet in part the supplies voted; the balance of ways and means required to cover all the sums charged on the supplies of the year is set forth in this Act, which thus completes the financial proceedings of the session. By this Act, therefore, the votes in supply originally passed by the House of Commons only receive full legislative sanction. Appropriation Act.

The Appropriation Act limits the appropriation of the votes in supply to the specific services described in the votes; and, in regard to the naval and military services, the Act enjoins that the respective departments charged with the detailed application of the sums granted for those services shall confine the expenditure of their respective departments within the particular amounts appropriated to each of the separate services comprised in the aggregate amount appropriated to the service of each department. But Parliament, recognising the impossibility of providing specially in the estimates for every exigency which may arise in carrying on those great services in all parts of the world, has granted to the Crown authority to provide, in cases of indispensable necessity, for payments in excess of particular grants out of surpluses on other grants in the same department, provided the aggregate sum voted for each department be not exceeded. This provision was first introduced into the Appropriation Act for the year 1846; but, although the legal sanction for such appropriation commenced in that year, the practice had always existed, and the naval and military departments necessarily provided for unforeseen exigencies out of their general balance.

It may be well here to advert to the parliamentary check which the constitution has provided over the acts of the Government while these proceedings are taking place during the session. The speaker of the House of Commons is considered to represent the House in all matters of finance brought before it, and to control all proceedings in reference thereto. As the session proceeds he takes care that any Bill for giving ways and means to the Treasury is kept within the amount of the votes in supply previously granted; and at the close of the session he checks the final balance between the full amount of the votes in supply, including the sum required to cover the interest of Exchequer Supply Bills, and the ways and means already granted, and limits the final grant of ways and means in the Appropriation Act to that amount. In short,

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the Speaker exercises a direct control over all the financial forms of the House of Commons.

This explanation completes the description of the parliamentary checks upon the grant of funds to the Government for the public service. The next point to be adverted to is the control which Parliament has intended to establish upon the *issue* of the public money.

Necessity for a check on the issue of money.

However perfect the present system of parliamentary control over the grant of money for the public expenditure may appear in theory, still it might be frustrated in practice if the Government possessed the means of carrying on the expenditure of the State without first obtaining the authority of Parliament, which would be the case if the Government could exercise an unrestricted power of issuing the public money; although the Government is compelled to assemble Parliament by the necessity of passing the annual Mutiny Acts, still the Ministers, if they had an uncontrolled power of applying the public revenue, might, after those Acts had been passed, induce the Crown to prorogue or dissolve Parliament, and might carry on the Government by expending the public revenue without legal authority. If we admit this extreme case to be possible, a check upon the issue of the public money seems to be indispensable to give effect to the control which it is the design of Parliament to exercise by the limitation of its grants. This check has been provided by vesting the power of issue in an independent office, the Exchequer. So far as the cash derived from the accruing revenue is concerned, the present system provides the required check against the issue of money in excess of the ways and means provided by Parliament for carrying on the public service, although it is effected at an unnecessary sacrifice of labour, money, and simplicity. But the present system of exchequer control, as established by the Act of 1834, aims at something more than this general check. It is intended to secure the application of the separate grants in conformity with the directions of Parliament, and to prevent an issue in excess of any one of the grants.

Exchequer check imperfect.

That Parliament ought to have the fullest security for the faithful appropriation of the votes which can practically be established cannot be questioned; but to require it in the form indicated by the Act of 1834 is simply to set up a delusive theory more calculated to impair than to strengthen legitimate control. If all payments could be made in detail at the Exchequer, and if they could be limited to services finally executed, and could consequently be appropriated at once as finally authenticated expenditure to the respective votes, exchequer control might be brought to bear upon the application of the votes in detail; but as a large proportion of the money voted is paid away abroad, more particularly for the great services,—and as money must be issued for the supply of the chests abroad without appropriation,—as imprests or advances must be made for carrying on the public service, which cannot in many cases be appropriated at the time of issue,—as money to meet the daily demands must be drawn out on estimate,—as large transfers of funds in payment of supplies made and services performed take place between the different branches of the public service,—and as the cash payments of the year do not and cannot represent the service payments chargeable against the votes of the year,—as this varied and unavoidable admixture of funds and many other practical obstacles combine to defeat all attempts to appropriate the votes finally at the time of issue from the Exchequer,—it is a deception upon the public to maintain a law which imposes upon that department the duty of controlling the application of the votes of Parliament which it is manifestly impossible it can discharge. This imaginary control should therefore be abandoned, and a real control be substituted for it, which should follow the money from its collection from the taxpayer until the final appropriation of it in payment of the public creditor. This control is already partially in operation; but before a detailed notice of it is presented it is necessary to describe briefly the present routine of receipt and issue through the agency of the Exchequer.

Exchequer Receipts and Issues.

First. As to the Revenue and other Receipts:—

The revenue received by the several collectors acting under the revenue departments is paid in the first instance to the accounts of the Receivers General of those departments; and a transfer from those accounts to the general account of the Exchequer takes place daily at the Bank of England and Bank of Ireland. Advice of such transfers is sent to the Exchequer, both by the revenue departments

ments and by the banks. The Exchequer having no means of exercising any check upon the collecting officers, its duty, in reference to these receipts, becomes one of mere account. Sums are also paid to the Exchequer account by other public officers and by private individuals, which are in like manner carried to account upon receipt of similar advices.

Second. As to Issues for Consolidated Fund Services:

Issues for Consolidated Fund Charges.

By the 13th clause of the Exchequer Act (4 Will. 4, c. 15) it is enacted, that in all cases of grant by Parliament charged on the Consolidated Fund the Commissioners of the Treasury shall from time to time, by warrant under their hands, authorise and require the Comptroller of the Exchequer to accredit the persons whose duty it may be to pay such charges with the sums requisite for that purpose.

The majority of these charges are paid upon lists or schedules which are prepared periodically by the Treasury in triplicate, one copy being sent to the Exchequer with a Treasury warrant, authorising the issue of funds to the paying officer, the second being sent to the paying officer by the Treasury, with directions to pay the claimants in detail, and the third being retained as the office record of the authorities given.

Third, As to Issues for Supply Services:—

Issues for Supply Services.

Under the 11th clause of the Exchequer Act (4 Will. 4, c. 15) it is enacted, that whenever any sum of money shall have been granted to Her Majesty by any Act of Parliament or vote of the House of Commons, for any specified branch of the public service, and ways and means shall likewise have been granted for satisfying and making good the same, it shall be lawful for Her Majesty, by Her Royal Order under the Royal Sign Manual, to be countersigned by the Commissioners of the Treasury, to authorise and require the Comptroller of the Exchequer to place at the Bank of England, to the credit of the public accountant of the Crown in the respective branch of service, the sum so granted or voted, at such times and in such proportions as the said Commissioners shall from time to time direct, to be applied by such officer to such service, &c. &c.

Royal Order.

Under this enactment a Royal Order addressed to the Comptroller of the Exchequer in the following terms is obtained by the Treasury, as soon as the House of Commons has passed the votes, and ways and means have been granted:—

Royal Order.

"Our will and pleasure is, that you do place to the credit of (the "paying officer) the sum of £. granted to us by resolution of "our House of Commons, dated the , for (army or navy, &c.) "services to the 31st day of March 185 , at such times and according to "such proportions, and out of such funds (ways and means), granted by "Parliament for this service, as shall be specified in the warrants and directions "which you will receive for your guidance from the Commissioners of our "Treasury."

Treasury Warrant.

Under the 12th clause of the same Act, the Commissioners of the Treasury are empowered by their warrant to authorise and require the Comptroller of the Exchequer to transfer from the general fund of the Exchequer at the Bank of England, to the credit of the respective officers whose duty it shall be to make payments on account of the several public departments, such sums as shall be requisite for carrying on the respective services. This warrant, which the Act requires to be prepared in accordance with the Royal Order, is addressed to the Comptroller of the Exchequer, and is as follows:—

Supply Services.

"By virtue of Her Majesty's Royal Order of Credit, dated this day, in favour "of (the paying officer),—These are to authorise and require you "to transfer from the general fund of the Exchequer at the Bank of England "(or Bank of Ireland) to the account of (the paying officer) the sum of "£.

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" £. granted by resolution of the House of Commons dated the
" , for (army or navy, &c.) services to the 31st March 185 ,
" at such times and according to such proportions as we shall from time to
" time direct, and place the same in your accounts to the grants of money
" applicable to this service which will be specified in our directions."

There are usually two Royal Orders and two Treasury Warrants for the aggregate of the annual votes for army services, the same number for navy services, and one for each of the miscellaneous civil services. Although one Royal Order and one Treasury Warrant have lately been adopted to cover all the votes in each of the seven classes of civil service votes, the amount of each separate vote comprised in the class is set forth in the body of the Order.

These two documents (the Royal Order and the Treasury Warrant) cover the full amount of the annual votes; they are merely general authorities intended to give validity to the issuing letters signed by the Secretary or Assistant Secretary of the Treasury, upon which the Comptroller of the Exchequer is directed to authorise the Bank to give the actual credits.

Treasury Issuing Letter.

The issuing letter signifies to the Comptroller of the Exchequer the directions of the Commissioners of the Treasury to authorise the Bank to give a credit to the paying officer for a specified sum, in part of the vote. The dates of the Royal Order and Treasury Warrant under which the issue is authorised, and the Ways and Means Act, are quoted in the letter.

Exchequer Warrant.

Upon these authorities (Royal Order, Treasury Warrant, and Issuing Letter) the Comptroller of the Exchequer is empowered, by the 12th clause of the Exchequer Act, to issue his warrant to the Bank to give a credit to the person therein named. This Exchequer Warrant is to the following effect: viz.,

" I hereby authorise you to grant a credit to (the paying officer) for the sum of
" £. chargeable upon the funds of Her Majesty's Exchequer at the Bank
" of England."

The following summary will exhibit the successive steps in this gradation of authorities:—

Firstly, The House of Commons by vote in Committee of Supply (subsequently confirmed by the Appropriation Act) grants the supplies to the Crown, and Parliament by Act places directly at the disposal of the Treasury the ways and means required to satisfy those votes.

Secondly, The Crown delegates to the Treasury the power of applying the supplies granted, by a Royal Order, which authorises the Exchequer to issue the full amount of each of the votes in supply on receiving the directions of the Commissioners of the Treasury.

Thirdly, The Commissioners of the Treasury, by their warrant, authorise the Comptroller of the Exchequer to issue his warrants from time to time, to the full amount of each of the votes in supply, giving authority to the Bank to place money to the credit of the paying officer. This Treasury Warrant practically delegates to the Secretary or Assistant Secretary of the Treasury the duty of authorising the issues.

Fourthly, The Secretary or Assistant Secretary of the Treasury, by command of the Commissioners of the Treasury, directs the Comptroller-general, from day to day, to authorise the Bank to give the credits required by the paying officer of the Government.

Fifthly, The Comptroller of the Exchequer issues his warrant to the Bank authorising that establishment to give the required credit.

Finally, The Bank gives the credit accordingly out of the general funds of the Exchequer.

In all this formal routine there is no check whatever upon the Government, save and except that which has been already pointed out, namely, that an issue in excess of the ways and means placed at the disposal of the Treasury by Parliament cannot take place.

Appropriation Audit.

It has been already stated that a real control over the Government in the application of the annual votes of Parliament is already in partial operation, and this

this control has been referred to as one which, if the application of it were extended to the whole receipt and expenditure of the Government, would supply the defects of the control supposed to be at present exercised by the Exchequer. As this addition to the previously existing checks is comparatively a modern introduction, and as the efficiency of an appropriation audit by the Audit Board of authenticated expenditure has not been so fully recognised as its practical value would seem to justify, owing probably to its hitherto limited application and its silent introduction, it may be useful here to trace its origin and progress. Appendix, No. 1.

Its origin.

In the interval which elapsed between the completion of the Report of the Commissioners of Public Accounts on the Exchequer in 1831 and the passing of the Act 4 Will. 4, c. 15, in 1834, by which the old Exchequer was abolished, and the new department was placed on its present footing, the Government of Lord Grey had to deal practically with the question of the misappropriation of the annual grants of Parliament. It was discovered that in the naval department, for a series of years prior to 1831, systematic misappropriation of the separate grants made for naval services had from year to year taken place. It is not necessary here to particularise those irregularities, as they were fully discussed in the House of Commons at the time; it will be sufficient to state that moneys voted for specific objects had been systematically applied to other purposes not sanctioned by Parliament. The question which Lord Grey's Government had to determine was, what security could be offered to the House of Commons against the recurrence of similar evils?—was the remedy sought in the constitutional control of the Exchequer? The money supplied for the misappropriations complained of had been issued by the Exchequer itself, and so far from that department having the means of preventing them, it was ignorant of the existence of any irregularity. The Report on the Exchequer was then before the Government, and the measures for giving effect to the recommendations which it contained were under consideration. Yet the Government does not appear to have considered that the check of that department upon misappropriation could be of the least avail in repressing the irregularities for which a remedy was required; and the Government was right. To provide a remedy it was necessary to investigate the causes. These were:—loose estimates, which did not truly represent the financial requirements of the naval service;—an incomplete system of accounts, which did not and could not exhibit the naval expenditure under the heads of the separate grants of Parliament;—a tardy examination of accounts, which would have delayed the preparation of audited returns of expenditure to a period when they would have been of no practical value;—but, above all, the absence of any returns to the House of Commons upon which reliance could be placed, showing how far the intentions of Parliament had been complied with in the application of the naval grants.

It was evident that at the root of all these defects lay an imperfect system of accounts. Without correct accounts of past expenditure it was impossible to prepare correct estimates of future expenditure. In the absence of correct accounts of current expenditure it was impossible to regulate properly the application of the annual grants. Without a complete system of accounts the arrears of unaudited expenditure could not be kept in view, and balanced accounts of the naval expenditure compared with the separate grants could not be prepared for the information of Parliament.

Preparatory measures adopted.

The Commissioners of Accounts, in their Report on the Exchequer in 1831, had recommended "the introduction of the commercial system of book-keeping "by double entry in its purest and most simple form in all the public depart-"ments," considering its application "as forming the necessary groundwork "of any really important improvement;" and, after recommending the appointment of a commission annually to examine the accounts, they added, "At the "same time that we propose this new security for the faithful appropriation of "the public money, we beg to repeat that the best security will be obtained in "such a system of public accounts as is founded on the principles we have "suggested." The system recommended was therefore applied to the whole of the various, complex, and extensive accounts of the navy; and the results of the naval receipt and expenditure were condensed in a concise and intelligible balance sheet, the annual estimates were revised, and all arrears of accounts cleared off. But it was necessary to go one step further to give permanency to these improvements, and to provide a security for the presentation to Parliament annually of

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accounts which should faithfully represent how far the directions of Parliament had been complied with in the application of the grants. The Government therefore submitted for the sanction of Parliament, that the naval accounts should be placed under the supervision of the Commissioners of Audit, that they should be audited by the Commissioners as to the appropriation of the grants, and that an annual account should be laid before the House of Commons, with the certificate of the Audit Board as to its accuracy. These provisions were embodied in the Act 2 Will. 4, c. 40. The first naval account laid before the House of Commons in pursuance of this Act was for the year 1832-33.

Extension of the Audit to the Military Services.

In 1846 these regulations were extended to the accounts of the War Office, Commissariat, and Ordnance, the estimates of these departments having been previously revised. The Act 9 & 10 Vict. c. 92, providing for the preparation, audit, and presentation to Parliament of annual accounts of the receipt and expenditure of all the naval and military departments, was passed in that year. This Act is the authority under which the naval and military accounts are now prepared.

Nature of the Audit.

It is necessary to examine the nature of this audit of appropriation, and the means placed at the disposal of the Commissioners of Audit for conducting it.

Requirements of the Act 9 & 10 Vict. c. 92.

The requirements of the Act are, that the several departments referred to shall prepare, on or before a day named in the Act, annual accounts of the receipt and expenditure of their respective grants for the service of the year, classed under the several heads of service as expressed in the Appropriation Act; that the expenditure included in such accounts shall be confined to sums finally expended and accounted for; that the Commissioners of Audit shall examine these accounts, compare the same with the books and vouchers of the several departments, and certify thereon as to the correctness or otherwise of the sums therein charged. They are required, moreover, to transmit to the Treasury a report upon each account, in which they are to recapitulate the several heads of the account under which the sums expended may have exceeded the sums voted, and to give under each head the explanations which may have been furnished to them of the causes of excess. They are to certify, also, whether such excesses have been sanctioned according to the provisions of the Appropriation Act; and they are to advert in their report to any items in respect of which their objections shall remain unsatisfied. Finally the Act requires that the Treasury shall lay these accounts and reports before the House of Commons within a specified time.

It will convey some idea of the extent of the duty thus imposed upon the Audit Board if an outline is given of the course which the moneys take before they are finally accounted for, and are charged as expenditure against the votes of Parliament.

Course which the public moneys take.

The moneys drawn from the Exchequer are applied partly to final payments for supplies made or services performed and admitted, and partly to imprests or advances of which an account is to be subsequently rendered. The record of the final payments is direct and simple. It is not so, however, with imprests or advances, which pass through many hands before they are finally expended. For instance, the Paymaster-general may make an advance out of naval moneys drawn from the Exchequer to a naval storekeeper. This officer may transfer part of this imprest to various paymasters of ships. These paymasters may receive similar advances at every home port they touch at. At sea they may meet other ships, and receive advances from the paymasters of those ships, or make advances to them. On arriving at a naval station abroad they may receive further advances from the naval accountant of the station, who has drawn his money, not from the Exchequer, but from the Treasury chest; or they may receive advances direct from the commissariat officer in charge of the Treasury chest. Proceeding to a foreign port they may draw bills of exchange on the Accountant-general of the Navy, which may be presented for payment months after the money raised upon them has been expended for the public service. Taking another example from army services, it will appear that the Exchequer imprests money to the Paymaster-general; the Paymaster-general issues it by way of imprest to army agents; these agents distribute it again on imprest to regimental paymasters, who again make advances to pay captains and others, who finally pay the men. In many cases, such as issues from the Treasury chests abroad, and bills of exchange, the expenditure of the imprest by the accounting officer

officer precedes the issue of the money from the Exchequer. Again, moneys are received at home and abroad by the sale of old stores, and for supplies to other departments, private individuals, &c., which are payable to the Exchequer as revenue; but inasmuch as it is for the public advantage that those moneys should be made available for the public service at the earliest moment, they are applied in payment of public services on the spot, both as final payments and imprests, and the remittances to the Exchequer are made through the accounts rendered to the head department.

The Audit traces the whole of the pecuniary transactions.

It is evident that such a network of pecuniary transactions, the extent and variety of which are very imperfectly set forth in the limited examples given, could not be efficiently audited unless the whole of the moneys received by the naval and military departments, from whatever source, were traced in all their ramifications, step by step, from their origin to their final record under their appropriate heads of service. An efficient system of account in the War Department and Admiralty enables the auditors to perform this duty with accuracy, and with the certainty that no pecuniary transaction in those great departments in connexion with the application of the grants of Parliament can escape their examination. It should be borne in mind that the audit of these accounts is conducted by the officers of the Audit Board, not at the Audit Office, but in the departments themselves in which the expenditure is incurred and the payments authorized, and upon the original books in which they are recorded; that it is not confined to the final expenditure chargeable against the votes, but embraces every pecuniary transaction of those departments; that the audit does not wait for the completion of an account made up after the close of the year, when the results of the expenditure as compared with the votes are known, but that it is concurrent with the daily progress of the transactions, which it follows in all their details day by day throughout the year. Thus every disputed question is discussed and settled before the final completion of the year's account. No naval or military sub-accountant can be relieved from an imprest charged against him in the ledgers of the department until he has rendered satisfactory accounts and vouchers; and the Audit Board will not admit as a legal charge against the vote of Parliament any payment until evidence has been laid before them that the vouchers produced in support of it have been finally examined and passed by the examining authorities of the respective departments; so that the annual account certified by them is one of finally audited expenditure.

Detailed Estimates facilitate the Audit.

The duty of checking the accounts of the appropriation of the grants of Parliament for naval and military services has been facilitated by the improved and more detailed estimates upon which the moneys have of late years been voted. A detailed classification of services in the annual estimates facilitates the classification of the payments, limits the discretion of the accountants, and leaves less room for differences of opinion as to the vote to which a payment is properly chargeable.

Vouchers produced to the Audit Board.

The documents upon which the auditors admit charges against the votes are those upon which the claims upon the department are allowed and ordered for payment, or upon which a sub-accountant is relieved from the debit standing against him. If the payment be for a supply of stores, the contractor's invoice, accompanied by evidence that the quantities have been brought on charge in the store accounts, and that the rates and value are correct, and in accordance with the terms of the contract, is produced to the auditors. If the payment be for a work or service performed, the claim of the party, reported upon by the examining branch of the department, as to the authority for the service, the conformity of the claim with the conditions of the order or agreement, and certificates of the satisfactory execution of the work or service, are laid before them. The Act of Parliament relating to the Appropriation Audit (9 & 10 Vict. c. 92) enacts, that the Commissioners of Audit shall be allowed access to all books, orders, and other papers to which they may desire to make reference in the progress of their examination of the account books and vouchers. If therefore they desire to see any contract, charter-party or agreement, minute, correspondence, or other document which they may consider necessary for the purposes of their examination, such records are unreservedly laid open to them. In short, no evidence which can assist them in

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checking the appropriation of every payment to its proper vote is withheld from them.

Contrast this searching inquiry into the appropriation of the naval and military grants, conducted as it is upon the actual vouchers on which the payments are made, and its ample means of investigation, with the so-called constitutional control of the Exchequer, with its cumbrous, antiquated, and unmeaning forms, and it will not be denied by any person at all conversant with this branch of the public business that the check of the Audit Board is a reality,—that of the Exchequer a fiction.

It seems proper, therefore, to submit for consideration the measures which should be adopted for strengthening and extending the one and for abolishing the other, which has been shown to be so imperfect.

Future measures enumerated.

The leading points for consideration appear to be the following:—

Firstly, The payment of the gross revenue to the account of the Consolidated Fund.

Secondly, The abolition of the office of the receipt of Her Majesty's Exchequer.

The transfer of its functions of control to the Audit Board,—its duties of drawing upon the Bank of England and Bank of Ireland, and of keeping Accounts of Receipts and Issues to the Treasury,—the preparation of exchequer bills to the Bank of England,—and of the weights and measures department to the Mint.

Thirdly, The abolition of the political appointment of Paymaster-general.

Fourthly, The revision of the Treasury accounts, and the preparation of two accounts for Parliament, to be presented and dealt with in the manner hereinafter described, both certified by the Commissioners of Audit:

Firstly, A cash account of the receipts and issues in the year;

Secondly, A service account, showing the appropriation of each of the miscellaneous civil service votes.

Fifthly, The regulation of the Treasury Chest Fund by Act of Parliament, instead of by Royal Warrant.

Before entering upon a detailed examination of each of the foregoing points, it is necessary to state, that as regards the estimates, the votes in supply, the grants of ways and means, and the Appropriation Act, with the exception of exchequer bills, to be hereafter separately noticed, it is not intended to suggest any alteration.

Gross revenues to be paid in.

Firstly, The payment of the gross revenue to the account of the Consolidated Fund.

Although the Acts 17 & 18 Vict. c. 94, and 19 & 20 Vict. c. 59, have removed from the public revenues the charges of collection and management and hereditary and other pensions charged thereon, and the gross revenues are consequently now paid to the Consolidated Fund, yet it is considered that there is no security that the Government may not order payments unauthorized by Parliament to be made out of those revenues before they are transferred to the Consolidated Fund, and that it is essential to a complete parliamentary control of the public money that no portion of it should be arrested in its progress to that fund from which alone it can be issued and applied with parliamentary sanction. It is therefore suggested that it may be provided by law that the gross receipts of the customs, inland revenue, and post-office departments, after providing thereout for the payment of drawbacks, bounties, repayments, and discounts, shall be paid or transferred to the account of the Consolidated Fund at the Bank of England and Bank of Ireland.

It is necessary, however, to point out that in every Act granting Exchequer Bills charged on aids and supplies it is usual to provide that such bills may, after the expiration of twelve months from the date thereof, be tendered in payment of any of the public revenues, aids, taxes, or supplies, &c. This amounts

amounts practically to the application of revenue, before it reaches the Consolidated Fund, to the discharge of unfunded debt, and militates therefore against the principle of paying in the gross revenue. As the whole question of Exchequer Bills must be separately considered, the security to the holders of such bills provided by this regulation will be dealt with as part of that general question. Appendix, No. 1.

Secondly, The abolition of the office of the Receipt of Her Majesty's Exchequer, and the measures consequent thereon. Exchequer to be abolished.

It has been stated that the exchequer department may with safety and with public advantage be abolished, and that provision should be made for the more simple, economical, and efficient performance of its duties. It remains to be shown how this change can be practically carried into effect.

The first duty to be provided for relates to the revenue and other receipts. Revenue Receipts.

It has been already shown that the duty of the Exchequer, as regards these receipts, resolves itself into one of mere book-keeping; that it is confined to the record of certain amounts of revenue received, according to returns furnished to the department for that purpose. The money is paid to the "Account of Her Majesty's Exchequer." The only change which is necessary in respect to this branch of the exchequer duties is to alter the title of the general account to which the revenue is payable, and to provide that the revenue and other receipts shall be paid to the "Account of the Consolidated Fund" at the Bank of England and at the Bank of Ireland.

As regards the records of such receipts, they will be the same as heretofore in the several departments of receipt; but the exchequer books, which are already useless, and the equally useless returns prepared from them for the Treasury, and the duplicate books compiled from such returns at the Treasury, will all be discontinued, and the Treasury will only retain one of its existing sets of account books, namely, the double entry books introduced in April 1855.

Having disposed of the revenue and other receipts, by placing them to the general account of the Consolidated Fund, the next step is to provide for the issues out of that fund for carrying on the public service.

This branch of the subject must be considered, first, in reference to the authorities by which the issues are to be governed; secondly, as to the check to be exercised to prevent issues in excess of the amount authorized by Parliament; and, thirdly, as to the practical routine of issue. Issues for the public payments.

Firstly. As to the authorities by which the issues are to be governed:— Royal Order.

The resolutions in committee of supply grant the supplies to the Crown; the sanction of the Crown is therefore necessary to enable the Treasury to operate on those grants. The only change required to be made in the present practice as regards the Royal Order is to alter the wording of it, so that it shall convey the authority of the Crown to the Lords of the Treasury, to apply the sums granted by the resolutions in committee of supply, or by the Appropriation Act, in conformity with the appropriation directed by Parliament.

However necessary the Royal Order may be as a legal authority to the Treasury to apply the grants of Parliament, it must be admitted that it is only a form, prepared by the Treasury itself, and that in reality it is no check upon the Government; it is not desirable therefore to multiply unnecessarily these formal authorities, for the purpose of giving them the appearance of a check which does not belong to them. It was formerly the practice, as regards the army extraordinaries, to obtain from the Sovereign at the commencement of every reign a Royal Order authorizing the Treasury to apply from time to time the moneys paid into the chest, and this authority was not renewed until the accession of a new Sovereign. The funds of the Commissariat, or Treasury Chest, are now applied under a similar permanent authority. It was the practice in the War Office, until within a few years, to obtain a renewed authority from the Crown every year for the payment of the half-pay, pensions, and allowances of the several persons borne on the non-effective establishments of the army. This practice, which gave rise to great and unnecessary labour, has been abandoned, and the more simple but equally efficacious form of a permanent order has been substituted; thus all Sign Manual Warrants placing army officers on the half-

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pay list, or granting pensions to the widows of army officers, direct the payment of these allowances "until further orders."

A general Royal Order recommended.

There does not appear to be any valid reason why these improved and more simple forms of conducting the business of the public should not be extended to the Royal Orders now under consideration; it is therefore suggested that there should be but one Royal Order for the supplies of each session, and that it should be obtained at the commencement of each session. The purport of it should be to give to the Treasury the sanction of the Crown to their applying all sums already granted or to be granted by Parliament during the session, in conformity with the specific appropriations directed or to be directed by Parliament. After the issue of this Royal Order, the Treasury would be authorized to apply the votes, as soon as Parliament had placed at their disposal, by ways and means grants, the cash applicable to them.

For the payment of the interest of the public debt, the civil list, annuities, and other payments charged permanently on the Consolidated Fund, the Lords of the Treasury do not require annual Sign Manual Warrants.

Check upon the Treasury.

The next point to be considered is the means of establishing a check upon the Treasury, so as to prevent issues in excess of the sum authorized by Parliament. The nature of the control now vested in the Exchequer has been already fully discussed, and it has been shown that the check of that department upon the appropriation of the separate votes is imaginary, but that it is effective in guarding against issues in excess of the total amount of the ways and means granted by Parliament to make good the supplies voted.

The measures necessary to be adopted for substituting a real check upon the appropriation of the separate votes of Parliament, in lieu of the imaginary one which is now supposed to exist, will be fully explained in the sequel; it is only requisite in this place to submit in what manner the check which is now exercised by the Exchequer to prevent issues in excess of the ways and means provided by Parliament may be efficiently maintained after that office shall have been abolished. The mode in which that check is now applied is defective in principle and highly inconvenient in practice. The controlling department should not, on principle, be charged with the duty of conducting the executive details of the business; the responsibility for the regular conduct of the public payments should rest upon the Treasury alone. At present the public money is placed to the account of the Exchequer, and the Exchequer gives the daily credits required for conducting the business of payment; but in this daily distribution of funds the Exchequer, having no knowledge of the public wants, cannot act without the previous orders of the Treasury; the consequences of this circuitous mode of conducting the public business are, divided responsibility, a waste of power, inconvenient delays, and an unnecessary multiplication of records. In transactions so multifarious as those of the public, it would be greatly to the public advantage to avoid these double operations, especially as they are not requisite for the purposes of control.

The proper mode of applying the Parliamentary check upon the Government seems obvious, when we consider the nature and object of the restriction which it is the intention of Parliament to impose on the Government. It has been stated that the grants of ways and means place at the disposal of the Government the money required for carrying on the public service, and that the votes in supply define the objects to which that money is to be applied; and what Parliament requires is, that the power of the Government of using the public revenues shall be limited to the amount of those ways and means grants; and this may be effected by the following simple regulations.

Check upon Issues for Supply Services.

When an Act placing ways and means at the disposal of the Treasury shall have been passed, the Treasury may be required to transmit to the Banks of England and Ireland a copy of the Act, accompanied by a Certificate showing the proportions of the ways and means to be issued at those banks respectively. This Certificate, when countersigned by two of the Commissioners for Auditing the Public Accounts, may be made the legal authority to those banks for the transfer of moneys from the Consolidated Fund Account, upon the orders of the Treasury, for supply services, to the extent of the sums so certified. By this simple arrangement any issue beyond the sum authorized by Parliament would be effectually guarded against, whilst the present useless and objectionable practice of making the department of check the medium of authorizing the issues in detail would be avoided.

Check upon Issues for Consolidated Fund Charges.

It will be necessary, moreover, to provide a similar check to prevent the issue of money for Consolidated Fund services in excess of the sums payable from quarter to quarter under the authority of permanent statutes. This check may be provided by an equally simple arrangement. An account of the income and charge of the Consolidated Fund is prepared by the Treasury every quarter, in pursuance of the Act 57 Geo. 3, c. 48. This account may be verified by the Commissioners of Audit, and the amount of the "charge" of each quarter may form the subject of a certificate similar to that already suggested for supply services, which should in like manner be made the legal authority for the transfer of limited sums from the Consolidated Fund Account for the payment of the permanent charges on that fund.

Issues out of the growing Produce.

There are, however, charges on the Consolidated Fund which are paid during the currency of each quarter out of the growing produce of the fund, and which, being paid before the quarterly account of the "charge" is made up, must be provided for by anticipation. The Treasury might prepare an estimate of these charges at the commencement of each quarter, and joint certificates or authorities might be issued by the Treasury and Audit Board to the banks of England and Ireland sanctioning payments to the extent of such estimates; and in making up the charge at the close of the quarter the amounts of such estimates might be deducted from the sums to be certified to the banks as the limit of future issues.

It may possibly be argued that, although the proposed checks will prevent the issue of public money in excess of the aggregate ways and means provided by Parliament, and of the aggregate quarterly charges on the Consolidated Fund, and will therefore secure to Parliament their constitutional control over the Government, by forcing the Treasury to confine the public expenditure within the limited amount which Parliament may have entrusted to it, and to make a renewed application to Parliament for a further grant before that limited supply is exhausted, they will afford no security for the correct appropriation of the separate votes to the specific services to which they are by law made applicable; and that there will consequently be no check upon the Government to prevent the appropriation of sums voted for specific purposes to other purposes not sanctioned by Parliament. The theory of subjecting the Government to an independent control *before payment*, so that the misapplication of a single grant shall be rendered impossible, is a very specious one, but it cannot be reduced to practice. This point has already been adverted to at page 4 of this Memorandum, where the imaginary control of the Exchequer upon the application of the votes in detail has been pointed out.

The impracticability of keeping distinct cash accounts for the separate votes for naval and military services seems to have been admitted from the first application of the provisions of the Exchequer Act, and the credits for those services have always been granted out of the aggregate amount voted for each. These votes are not only the largest in amount, but they are also those which the House of Commons views with the greatest jealousy; and if a consolidation of cash balances must exist in regard to these great votes, the same regulation may be safely extended to the whole.

The issue of special credits, which are only estimated sums drawn to meet expected payments, and the consequent subdivision of the cash in the hands of the paying officers of the Government into numerous balances with distinct appropriations, greatly complicate the accounts of the pay departments; and, moreover, by raising intermediate appropriations between the votes of Parliament and the expenditure, and by confounding credits with actual payments, they give the false appearance of a check to the present mode of supplying the funds for carrying on the public payments. But it must be evident from the explanations already given that this check is altogether imaginary.

The practice of issuing special sums to be applied only to the purposes for which they may be issued, and which issues, if not required for immediate payments, cannot be held applicable to any other, is inconsistent with the proper and economical working of a consolidated cash balance; it is one of the objections inseparable from the present Exchequer mode of dealing with the public money, and if it could be rigidly enforced it would strike at the root of all the improvements which have been introduced into the mode of conducting the public payments.

The appropriation of the money issued for expenditure should not be anticipated;

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pated; the issues should be general, and confidence should for a limited time be placed in the departments intrusted with the application of them, subject to their ultimate responsibility to Parliament. The Treasury being responsible for providing the money, and being limited in its ways and means, has the strongest motive, in directing issues for the public service, for restricting every department to the sum voted for it.

In a subsequent part of this Memorandum it is proposed that the detailed application of the grants of Parliament shall be watched by the Commissioners of Audit; that they shall follow the payments, whether made by the paymasters under the Treasury or by the imprest accountants of the departments, through all their changes; and that they shall call the attention of Parliament to any irregularity which they may deem of sufficient importance to report, without waiting for the final completion of the account in which it may occur; and that accounts, authenticated by the Audit Board, shall be periodically published, showing the appropriation of money to every grant.

This revision of the accounts by the Audit Board, combined with the publicity which it is proposed to attach to the action of the Treasury, will be a far more satisfactory security for correct appropriation than any restriction which can be placed upon the issue of money previously to its actual appropriation.

Practical mode of issuing money.

Thirdly, As to the practical routine of issuing money to provide for the public payments.

The mode of issue would be very simple. It would be the duty of the Treasury to place, from time to time, to the credit of the public accountants of the Crown, who might be charged with making the public payments, the sums necessary for that purpose. In order to keep the balances in the hands of those accountants as low as possible, the advances made to each of them should be dealt with as a single balance at the credit of each, from which their respective payments should be made, and the appropriation of the expenses to the departments or votes to which they might relate should be made *after* payment.

Issues to be made by transfers.

The Treasury would operate upon the general account of the Consolidated Fund under two heads, "Supply Services" and "Consolidated Fund Services." They would have no power of drawing cheques payable directly from that account, but would operate by "writes off" or transfer orders to the accounts of the public accountants who might be charged with the detailed payments. The form of "write off" might be as follows:—

"To the Governor and Company of the Bank of England.

"Write off from the account of the Consolidated Fund to the account of "(name of the public accountant) the sum of £. , and charge the same "to the head of Supply Services for the year 185 (or the head of Consoli- "dated Fund Services for the quarter ended 185)."

Numerous books and returns to be discontinued.

It would not be necessary to alter the forms of the daily accounts now furnished by the Banks of England and Ireland to the Treasury; but the Bank of England would be relieved from the labour of keeping accounts of the 230 separate credits now required to be kept for the Exchequer, and both the Bank of England and the Bank of Ireland would be entirely relieved from the necessity of rendering the accounts which they now send to the Exchequer.

The documents, returns, and accounts which now pass between the Treasury and the Exchequer, and *vice versâ*, would be discontinued, much to the simplification and accurate despatch of public business; and the numerous books in use in the Exchequer* would cease to be kept. Thus economy would go hand in hand with the improvement in the system of conducting the public business.

Exchequer Bills.

The next subject for consideration is the transfer of the duty of preparing Exchequer Bills.

There are three descriptions of Exchequer Bills:—

Firstly, Exchequer Bills issued to the Bank of England as a security for sums advanced to the Government to make good the deficiency of the Consolidated Fund for the payment of the interest of the debt and other Consolidated Fund charges. These are commonly called "Deficiency Bills."

Secondly,

* See Appendix (No. 13, page 788) to the Report from the Select Committee on Public Moneys.

Secondly, Exchequer Bills issued to the Bank of England as a security for sums advnc ed o the Government to supply the deficiency of the Consolidated Fund to meet the grants of ways and means for supply services. These are commonly called "Ways and Means Bills." Appendix, No. 1.

Thirdly, Exchequer Bills voted annually in committee of ways and means, either to supply funds, by the sale thereof, for defraying the public expenditure, when the income derived from taxation is insufficient for that purpose, or to meet a vote in supply for paying off outstanding Exchequer Bills voted in the preceding session of Parliament. These are commonly called "Supply Exchequer Bills."

The two descriptions of Exchequer Bills issued for advances by the Bank of England might, as herein-after explained, conveniently be discontinued, leaving only the supply bills, which represent the bills in circulation with the public, and which, together with Exchequer Bonds for limited periods, constitute the unfunded debt.

Deficiency Bills originated in 1817, and were first authorised by the Act 57 Geo. 3, c. 48. Under the Act which created the Consolidated Fund (27 Geo. 3, c. 13), and under every subsequent Act up to 1817, all the revenues forming that fund were appropriated exclusively to the payment of the interest of the debt and other charges made directly payable out of the Consolidated Fund, and no part of the fund could be applied to any other branch of the public expenditure, unless by a special grant of Parliament, which never came into operation unless there happened to be an actual surplus of income above the charge. Deficiency Bills.

Those revenues, as they arose, were paid into the Exchequer, and accumulated in the Bank of England from the first to the last day of the quarter. The total amount of the income and the total amount of the charges to be defrayed out of it were then ascertained, and if there happened to be a deficiency of income to defray the charges due and payable for the quarter, the deficiency was immediately made good by an advance out of any of the aids or supplies of the year.

If there was a surplus of income beyond the amount of the charges, that surplus was applied, in the first instance, to replace any sums which might have been advanced from the aids towards making good the deficiency of any previous quarter; but if no such advance remained to be replaced, the surplus was applied in satisfaction of any grants made by Parliament out of the surplus of the Consolidated Fund; if no such grant existed, the surplus remained in the bank until Parliament made a disposition of it. Thus the surplus income of one quarter could not be made available to cover the deficiency of the preceding quarter, until the termination of the quarter in which such surplus might arise. Moreover, the accumulating income of the quarter remained in the bank until issues were required for paying the several charges, which generally took place in the succeeding quarter.

This system, so costly to the public, was altered in 1817, by the Act 57 Geo. 3, c. 48. Under this Act the Commissioners of the Treasury were authorised, whenever there should be a deficiency of income to meet the charges upon the Consolidated Fund due at the close of any quarter, to issue Exchequer Bills from time to time to make good such deficiency, instead of paying it immediately, according to previous practice, by an advance out of the aids and supplies of the year; and these Exchequer Bills, with the interest upon them, were made payable from time to time out of the growing income of the succeeding quarter; that is, the quarter in which they were issued. Such was the origin of deficiency bills.

These deficiency bills are made payable to "the Governor and Company of the Bank of England, *or to their order*." It is not improbable, therefore, that it may have been originally contemplated to borrow money upon them from other sources than the Bank of England, or to allow the Bank of England to transfer them by endorsement. They have never, however, been negotiated, nor could they be negotiated by the Bank without impeding the present ready means of paying them off from day to day out of the growing income.

These temporary advances and repayments between the Bank and the Government can be made without the exchange of such securities as Exchequer Bills. They may be dealt with as book debts on both sides.

Exchequer Bills (Deficiency Bills).

It is necessary to describe the regulations under which these advances for the deficiency of the Consolidated Fund should be made.

It has been already suggested that the account of the income and charge of the Consolidated Fund, which the Treasury prepares at the close of each quarter, should be verified by the Commissioners of Audit, in order that the Banks of England and Ireland may be furnished with a legal authority for the transfer of limited sums from the Consolidated Fund account for the payment of the charges upon that Fund; the same examination will enable them to certify the amount of the deficiency, which might be included in the same certificate, thus making it not only a legal authority for the issues out of the Consolidated Fund, but also an authority for limiting the amount of the advances which the bank may legally make to the Government to supply that deficiency.

When any portion of this amount was required, the Treasury might by letter request the Bank of England to place it to the account of the Consolidated Fund, crediting the bank in the Treasury books on receipt of the daily account current of the Consolidated Fund furnished by the bank.

The Bank of England should be required by law not to make any advances to the Government, to supply the deficiency of the Consolidated Fund, beyond the amount of the deficiency notified to it in the quarterly certificate before mentioned, countersigned by the Audit Board; and the provisions of the existing Act of Parliament (57 Geo. 3, c. 48), which requires that such advances shall be repaid out of the growing income of the quarter in which the same shall have been made, should continue in full force.

The repayments out of the growing income would be made from time to time by the Pay Office, as at present, upon special orders from the Treasury.

It should, however, be distinctly provided, that if the deficiency of the quarter or any part thereof can be met by issues out of the growing income of the succeeding quarter, the Treasury should be at liberty to regulate their issues accordingly, without exercising their powers of borrowing, as they are now obliged to do, to the full extent of the deficiency.

Ways and Means Bills.

Ways and Means Bills are very similar in character to deficiency bills; the difference being that they are issued for a different description of services, and that they are redeemable out of the income of the quarter succeeding that in which they are issued, instead of being payable, as deficiency bills are, out of the income of the quarter in which they are dated. The circumstances which lead to an issue of ways and means bills are the following:

The total income of the country is placed as it is received to the account of the Consolidated Fund; it is therefore upon this fund that all public expenditure must be directly or indirectly charged. The direct charges upon the Consolidated Fund, such as the interest of the public debt, the civil list, &c., are prior charges on the fund. The surplus of the Consolidated Fund, after payment of those charges, is available to meet the grants for supply or voted services.

The ordinary means for meeting the annual grants of Parliament for supply services are derived from ways and means grants on the expected surplus of the Consolidated Fund. This expected surplus is founded on an estimated amount of revenue; but it may happen that this estimate of revenue may not be realised, and that the amount actually received may not leave, after payment of the prior charges referred to, a surplus equal to the grants of ways and means made payable out of it. This may happen at any time during the progress of the year. To provide for this contingency, Parliament, in all Ways and Means Acts, gives a power to the Treasury to borrow money on the security of Exchequer Bills, redeemable out of the income of the quarter succeeding that in which they are issued. It becomes necessary, sometimes, but not frequently, to use a certain amount of these bills in aid of the revenue of one quarter of the year, and to pay them off from the surplus revenue or other receipts of the next succeeding quarter. Instances have occurred in which, owing to a continued deficiency of income, such bills have been funded;* but such cases are exceptional.

These

* See Finance Accounts for the following years; viz.

1838, pages 16 and 108	£600,000	Ways and Means Bills funded.
1839, pages 16 and 110	£500,000	
1840, pages 16 and 110	£500,000	
1841, pages 16 and 110	£700,000	

These temporary advances by the bank, when required, might be made without the issue of Exchequer bills; they might be arranged as already suggested for the temporary advances now made by deficiency bills. There seems to be no objection, however, to continue the power, in both cases, of issuing Exchequer bills; but in the clauses which authorise the bank to lend upon the security of such bills, notwithstanding the Act of William and Mary, it might be provided that the bank should be permitted to lend without requiring the issue of Exchequer bills, if the Treasury and the bank should think proper to agree so to do.

It is of course intended that the power of borrowing from the bank to supply the deficiency of the current receipts to make good the ways and means granted, shall be subject to the restrictions of the existing Acts, both as to the limit of amount and as to the period of repayment. It should, moreover, be provided by law that any sum so borrowed shall be paid to the account of the Consolidated Fund instead of being applied directly to supply services, as at present. By this arrangement full security will be afforded that no larger sum will be issued for supply services than the amount of ways and means granted by Parliament, and notified to the bank in the certificate of the Treasury, countersigned by two Commissioners of Audit, as suggested at page 12.

Under an Act passed in 1819 (59 Geo. 3. c. 76.) the Governor and Company of the Bank of England are required not to make advances to the Government upon Exchequer bills, Treasury bills, or other Government securities, or in any other manner whatever, without the express and distinct authority of Parliament. The Act further prescribes the mode in which applications for advances shall be made by the Government, and directs that copies of all such applications, of the minutes of the Court of Directors thereon, and of the answers of the said court, shall be laid before both Houses of Parliament at the commencement of each Session; it directs also that the governor and company of the Bank of England shall annually lay before both Houses of Parliament accounts showing the amount of all Government securities purchased by them, all sums lent or advanced for the public service, and also the amount of such securities remaining in their hands, and the amount of advances remaining undischarged.

This is an additional check upon the Government in the exercise of their powers of borrowing from the Bank of England.

Exchequer bills (Supply).

The third class of bills (Supply Exchequer bills) requires a more detailed notice. The preparation of such bills is regulated by the Acts 48 Geo. 3. c. 1, 4 & 5 Will. 4. c. 15, and 5 & 6 Vict. c. 66. Under the provisions of these permanent Acts, and of the special Acts by which the grants are made, the bills are prepared by the Exchequer. The practical steps taken for authorising the preparation of Exchequer bills are as follows:—When an Act granting ways and means by Exchequer bills has passed the legislature, the Lords of the Treasury, under the powers vested in them by such Act, send their Warrant to the Exchequer, directing the preparation of a specified number of bills of each of the four denominations (1,000*l.*, 500*l.*, 200*l.*, and 100*l.*) into which supply bills are usually divided. The mechanical duties connected with the preparation of the bills, such as giving orders for the manufacture of the paper, for the printing and stamping of the bills, and the duty of signing the bills, are performed by the Exchequer. The bills, when completed, are issued by the Exchequer to the person named in the Treasury Warrant, who is generally the Paymaster-general, or the person who acts for him. When the grants in exchequer bills are made for the purpose of raising money to provide for the money grants of the year, the bills are sold, and the proceeds are paid to the account of the Exchequer, for the credit of the Consolidated Fund. When they are granted for the purpose of paying off outstanding Exchequer bills, which is done annually, they are used merely to exchange the bills issued in the preceding year. There are two exchanges in the year (March and June). Previously to each exchange, notice is given in the Gazette and daily newspapers that the bills will be paid off on a particular day, either in money or in new bills, and that applications for new bills in lieu of those called in must be delivered in on or before a day named in such notice. When the amount of new bills required has been ascertained from the applications delivered in by the holders, authority is sent to the Exchequer to complete the preparation of the new bills. At the expiration of a week from the last day for receiving appli-

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cations for the exchange of old bills, the new bills are usually issued to the holders of the old bills delivered in to be cancelled, and at the same time the interest on the old bills, from their respective dates up to the date of the new bills is paid.

The holders of exchequer bills who may demand money in payment of the bills advertised to be paid off are paid the principal as well as the interest of their bills out of the ways and means money grants of the year; and here some complication arises which it is necessary to explain.

Money Grants and Exchequer Bill Grants of Ways and Means.

The money grants of ways and means (out of the Consolidated Fund) are limited to the amount of the voted services which it is expected will be paid in money, including the *interest* of Exchequer bills, which is charged upon aids and supplies by Act, and is added annually to the ways and means money grants provided by the Appropriation Act. The ways and means required to pay off Exchequer bills are provided entirely by grants of Exchequer bills. Thus, when Exchequer bills advertised for payment or exchange are presented for payment in money, they are paid out of the ways and means granted on the surplus of the Consolidated Fund; in other words, out of money grants. The effect of this is that money grants made for the payment of naval, military, civil, and other services are applied to the liquidation of unfunded debt, whilst the ways and means provided in Exchequer bills for that purpose remain unapplied.

To adjust this disturbance of the proportions of the ways and means granted in money and in Exchequer bills, the Government has the power of issuing Exchequer bills for army and navy services, and to raise money upon them to replace the amount of money grants applied to the payment of Exchequer bills. There is no other objection to these adjustments than that they tend to complicate the administration of the public finances; a subject which it would be very desirable to divest of all unnecessary mystery.

Suggestions of Mr. Masterman.

Before offering any suggestions for simplifying the mode of dealing with Exchequer Supply Bills, it is necessary to refer to some suggestions made by Mr. Masterman, in the year 1853, on the subject of the annual *exchange* of Exchequer bills, and the payment of the interest thereon. These suggestions were:

Firstly, That the practice of annually *exchanging* Exchequer bills should be discontinued.

Secondly, That the interest of Exchequer bills should be paid half yearly; and that the holders should be at liberty to present their bills *for the payment of interest* on any day after a full half-year's interest had become due.

Thirdly, That each half-year's interest, when paid, should be endorsed on the back of each bill, and that the bill should be returned to the holder.

The object which Mr. Masterman had in view in suggesting these changes was that the holders of Exchequer bills should not be deprived of their securities during the time now occupied, twice in every year, in exchanging one set of bills for another set, similar in every respect but the date; and that the interest should be payable more frequently, twice instead of once in every year. It is assumed, of course, that he had no intention of raising any question as to the payment of the Exchequer bill, nor as to the period during which it should be annually presented for that purpose. These suggestions appear to be well deserving of consideration.

The discontinuance of the annual renewal of Exchequer bills would be a great convenience and security to private holders; at present they are almost compelled to deposit their securities with their bankers or agents to get them renewed annually, and to obtain payment of the interest due upon them. If the bills were allowed to run on from year to year, and if they had coupons attached upon which the interest could be claimed, private holders might pay such coupons to their bankers, and retain possession of their securities until they were called in for renewal on payment of the last coupon for interest.

Suggestions for consideration.

The existing regulations for the issue and payment of Exchequer bills appear open to simplification and improvement. In the first place, it does not appear that any useful object is attained by voting annually a sum in committee of supply

supply to pay off the outstanding Exchequer bills, while it is necessary at the same time to pass a vote in committee of ways and means sanctioning the creation of a new debt for that purpose. The temporary character of the unfunded debt in Exchequer bills may be preserved without the fiction of paying it off annually by a mere exchange of bills, nor is an annual vote necessary to give to the holders of such securities the option of renewal or of payment in money. The following suggestions are therefore submitted for consideration:—

Firstly, Instead of making Exchequer bills "payable out of any supplies to "be granted in the Session of Parliament next after the passing of the Act" under which they are issued, it may be provided that the principal shall be redeemable annually, at the option of the holders, out of the Consolidated Fund.

Secondly, The unfunded debt in Exchequer bills to be limited by Act of Parliament, and power to be given in the Act to the Government to issue new bills in lieu of those for which payment may be demanded in money, the proceeds of such bills to be paid to the account of the Consolidated Fund.

Thirdly, The annual renewal of Exchequer bills to be discontinued. The Act to provide that the bills shall run on from year to year, with the consent of the holders, until called in for renewal; that they shall be issued with coupons attached for the payment of the annual interest; and that holders who may wish to receive payment in money after the bills have run their annual term, shall, within a period to be regulated by statute, be paid the principal sum out of the Consolidated Fund.

The present regulation under which Exchequer bills are "current and "pass in any of the public revenues, aids, taxes, or supplies" would then be unnecessary.*

Fourthly, The bills to bear such rate of interest per diem for each period of twelve calendar months during which they may be current as the Treasury may give notice of in the Gazette; such annual interest to be payable out of the consolidated fund.

Fifthly, That the business connected with the preparation of Exchequer bills, now transacted at the Exchequer, the issue of new bills in lieu of bills called in, and the payment of the principal and interest of bills in money, now conducted at the pay office, be transferred to the Bank of England, where the counterfoils of Exchequer bills required to enable holders to ascertain the genuineness of bills should be deposited.

Sixthly, That in order to prevent the issue of Exchequer bills in excess of the amount sanctioned by law, all such bills be countersigned by a Commissioner of Audit, or by an officer nominated for that duty by the Audit Board.

Advantages contemplated.

The advantages contemplated by these suggestions are, that the annual Act of Parliament providing for the issue of Exchequer bills would be unnecessary; that the annual vote in supply for paying off the outstanding bills would also be unnecessary; that the annual exchange of one set of bills for another, with its accompanying risk, labour, and expense, would be avoided; that the complication of ways and means money grants and Exchequer bill grants would also be avoided; that the facilities to the holders of bills for the verification of their securities, and the payment of principal and interest, would be increased by transferring those duties from the Exchequer and Pay Office to the Bank of England; and that private holders of Exchequer bills would be enabled to retain possession

* The earliest issues of Exchequer bills were payable on demand; and this condition, that they should be receivable by all collectors in payment of taxes, was probably attached to Exchequer bills at that time with the object of promoting the use of them as a circulating medium. Since the year 1838, they have been receivable for taxes only at the expiration of twelve months from their respective dates (see Act 1 Vict. c. 26., passed 11th June 1838); and as they have generally been advertised for payment or exchange before the expiration of the twelve months, an opportunity of paying them in for duties has rarely existed. Before 1838 they were payable for duties immediately after the 5th April next succeeding the dates of the bills.

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possession of their bills without incurring the inconvenience and risk attendant upon the annual renewal of those securities.

Risk and inconvenience of the present system.

In proof of the risk and inconvenience which attend the present system of paying off and renewing Exchequer bills, it is important to call attention to an accident which occurred during the preparation of the Exchequer bills required to pay off the bills advertised for payment in March last.

After the old bills had been called in and cancelled, and during the preparation of the new bills to be substituted for them, a fire occurred at the printing establishment of Messrs. Perkins & Co., in Fleet-street, the printers employed by the Exchequer for preparing the new bills, by which a portion of the Exchequer bills intended for the March exchange was destroyed, and the Exchequer bill plates were injured. In consequence of this accident, the Government was not prepared with the full amount of bills required to pay off the liabilities due and payable on the day for which notice of payment had been given in the Gazette. Fortunately, the accident occurred when the preparation of the bills required for the exchange was far advanced, and after the largest portion of them had been delivered to the Exchequer, so that the deficiency amounted to only 726,700 *l.* By a delay of eleven days in the payment of the bills held by the Bank on account of savings' banks and public departments, and by the assistance afforded by some of the principal bankers of the metropolis, the difficulty was overcome; but if the fire had occurred a few days earlier, the case would have been serious, and the Government might have found itself deficient by millions for the punctual discharge of its obligations. No blame can be attached to any officer of the Government for this unfortunate occurrence; but the system which leaves the public credit exposed to such danger is surely indefensible.

Weights and Measures Department.

The only remaining duty performed at the Exchequer for which it is necessary to make provision is that relating to "weights and measures." The department attached to the Exchequer for the verification of weights and measures consists of one superintendent and a clerk. The obvious course seems to be to transfer this duty to the department of the Mint.

Paymaster-general.

Thirdly, The abolition of the political appointment of Paymaster-general, and the regulation of the pay department.

The Paymaster-general, so far as the business of the Pay Office is concerned, has been charged with only nominal duties ever since the creation of that office in 1836.

On coming into office, the Paymaster-general grants powers of attorney to certain officers to act for him in supplying the accounts opened at the Bank of England in his name with funds, and in drawing upon those accounts for the payment of public services. He never interferes in the details of the business. There is not at present any salary attached to the office. It is now held with the office of Vice-president of the Board of Trade, the salary of which is voted on the estimates of that department. The Paymaster-general is, however, *ex officio*, Chairman of the Chelsea Board, where he is obliged to preside at certain periodical meetings for considering questions connected with the in and out pensioners of that institution. These duties might very properly be assigned to an Under Secretary or other officer of the War Department, and then the office of Paymaster-general might be abolished.

Pay Departments.

The principal pay departments are,—The office of the Paymaster-general in London, that of the Paymaster of Civil Services in Dublin, and the office of the Queen's and Lord Treasurer's Remembrancer in Edinburgh. These three officers pay all the military and civil charges, except the interest of the public debt and annuities, which are paid by the Banks of England and Ireland, and by the National Debt Commissioners. There are also two or three small establishments, such as the office of Woods and Forests, which conduct their own payments. All these officers hold balances of public money, and any reduction which can conveniently be made in the number of paymasters, and any simplification which can be introduced in the mode of conducting their payments, by drawing on a common fund, will tend to reduce the amount of dead balances in their hands, and to promote security and economy.

The business and responsibility of conducting the public payments is peculiarly the duty of the Treasury department, and should be brought immediately under its

its control; this is already to a great extent accomplished by the present regulations; but the pay departments in England, Ireland, and Scotland, act under different regulations, are subject to a distinct management, and conduct their payments and keep their accounts upon different principles. It is desirable to consolidate the business of payment, and to introduce greater uniformity in the accounts of payments chargeable against the respective grants of Parliament, upon which the Treasury books, to be noticed hereafter, should be founded.

The mode of payment pursued in the Paymaster-general's office is the most simple, expeditious, safe, and economical, and it should be extended to the other pay offices. The moneys placed to his account from all sources form one consolidated balance from which all his payments are made; every separate credit comprised in that aggregate balance constitutes a separate account in his books; his drafts and acceptances are paid, without distinction of service, from this consolidated balance, and every separate service is debited with its proper proportion of such payments; thus the cash debits and credits applicable to every separate account are kept as distinct as a private banker keeps the separate accounts of his customers. If a banker or agent presents twenty different bills or claims for payment, he receives one cheque payable out of one consolidated drawing account for the whole, and the Paymaster places the twenty claims to the separate accounts to which they relate. Formerly twenty cheques would have been drawn payable out of twenty different cash accounts. The present mode of payment not only secures safety, economy, and clearness of account, but greatly promotes the convenience of public claimants. It is therefore suggested for consideration—

Firstly. That the office of Paymaster-general be abolished.

Secondly. That the pay department in London, the office of the Paymaster of Civil Services in Dublin, and that of the Queen's and Lord Treasurer's Remembrancer in Edinburgh, so far as the latter relates to the business of payment, be placed under strictly uniform regulations; that the offices in Dublin and Edinburgh be supplied with funds by the London office; and that they should conduct their payments and keep their accounts according to the system adopted at the office in London.

It is proper here to offer a few remarks on the subject of the Paymaster-general's receipts on his cash account as distinguished from his Exchequer receipts. The Paymaster-general is the banker of various public departments; he holds all their moneys, collects their receipts, makes their payments, and furnishes to them detailed returns upon which their accounts are founded. By far the largest portion of these receipts consists of settlements between departments for which he acts as banker; in all such settlements of accounts the Paymaster-general merely transfers from the cash account of one department in his books to the cash account of the other the sum due, and no money whatever passes through his hands. All repayments for advances out of the Treasury chests abroad, and for supplies from one department to another, are settled in this manner. There are other transactions which take place between the public departments and private individuals and public bodies which are settled by cash payments to the Paymaster-general's account at the bank. These receipts are numerous, and though trifling in amount when compared with his general receipts, they sometimes amount to a large sum. All these receipts, whether in the shape of transfers or cash, are carried to the credit of the respective departments and votes to which they relate; the cash is applied to current payments, and so much less is drawn from the Exchequer for that purpose. In addition to these receipts the Paymaster-general holds a large amount of public securities, which belong to various departments; he disposes of the principal and interest of these in accordance with the directions he receives from those under whose control they are placed.

It may perhaps be considered that these receipts place at the disposal of the Government a fund which might be used for the purpose of defraying expenditure not sanctioned by Parliament, and that so much of such receipts as may not be required to meet the immediate payments to which they are applicable should be placed in other hands than those of the Paymaster-general, and be held in deposit, until required for the services to which they legitimately belong. All arrangements of this kind are to be deprecated; they complicate the public

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accounts, and accomplish nothing in the way of substantial control. If these moneys were transferred from the custody of the Paymaster-general, he would require an immediate issue out of the votes or Consolidated Fund to an equal amount: the moneys transferred from his custody, wherever placed, would be equally at the disposal of the Government, and all that would be gained would be a mere change of balances. If a government can safely be trusted with the administration of these funds, the mere custody of them is a subordinate question.

It has been already suggested that the advances of money to the pay offices out of the Consolidated Fund should be made in gross sums, and that the charges against the votes should be raised from the *actual payments* made out of such advances. Each of the three branches should make its payments out of a single cash balance at the respective banks, by which means the balances will be kept at the lowest point consistent with the regular conduct of the duty of payment.

Treasury Accounts.

Fourthly. The revision of the Treasury accounts, and the presentation of audited accounts of revenue and expenditure to Parliament.

If the changes which have been suggested in the constitution of the pay departments should be adopted, and actual payments should be substituted for credits, it will be necessary to alter the principle upon which the accounts of the public expenditure are now prepared at the Treasury. Under the Act 10 Geo. 4, c. 27, it is provided, that for the purpose of ascertaining the annual amount of surplus revenue, the Treasury shall cause to be prepared, after the expiration of each quarter, an annual account showing the actual revenue and expenditure of the United Kingdom in the four quarters for the whole year immediately preceding such quarter-days respectively, according to the actual receipt and issue of moneys at the Exchequer; and the 24th section of the Exchequer Act (4 Will. 4, c. 15) requires that the expenditure in such account, so far as it relates to Great Britain, shall be made up from the *credits granted* by the Comptroller of the Exchequer. Under these enactments the Treasury accounts of expenditure have embraced, not the sums actually expended, but the sums issued to the Paymaster-general and others to be expended; and as large issues are made for army, navy, and civil services at the close of each quarter, before striking the balance of the Consolidated Fund to be set aside for the interest of the debt and other charges, in order to carry on the public service until the revenue of the succeeding quarter has yielded a sufficient sum to provide for future issues, it follows that fluctuations in the amount of the public expenditure in any given period may be produced by an increase or decrease of those quarterly issues, which ought to be impracticable if a correct principle of preparing the public accounts were adopted.

Accounts to be founded on actual payments.

The proposed changes in the mode of issue and in the principle of charging the expenditure against the grants of Parliament, founding the charge upon actual payments, and holding the balances unapplied, in the hands of paying officers, as money unexpended, will remedy those defects, and place the public accounts altogether on a sounder basis.

The substitution of actual payments for Exchequer credits is a change upon which depends the truth of the public accounts. A case was brought before the Committee on Public Moneys which clearly illustrates this, and brings out in strong relief the defects of the present Exchequer system.

It was stated in evidence before the Committee, that, in 1852, the Treasury, acting upon imperfect information, issued to the Paymaster-general a credit of 80,000 *l.* to meet the claims on account of the Duke of Wellington's funeral. Some of these claims were objected to by the Office of Works, and a reference to arbitration became necessary; delays ensued, and a portion of the 80,000 *l.* remains unexpended at the present time, and is retained to meet claims not yet finally settled. The credit of 80,000 *l.* appeared in the Exchequer accounts as an actual payment in the year 1852; and as neither the Pay-office nor the Treasury could replace the unexpended portion of the issue of 80,000 *l.* in the Exchequer, *to be retained there subject to future demands*, the only way in which an unnecessary accumulation of funds in the Paymaster's hands could be avoided, was to use the money temporarily for some other service which had a credit in the Exchequer, and which could be left there to replace the advance.

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Now, although this is admitted to have been a special and extreme case, yet it differs from the majority of Exchequer credits only in degree: the credits for the greater part of the voted services are drawn out upon estimate, and in very few cases can they be expected to agree with the actual payments. It should therefore be clearly understood, that the objections pointed out to the Committee in reference to the over-issue for the Duke of Wellington's funeral, and the consequent defects in the public accounts, must be attributed, not to the over-issue itself, but to the defective Exchequer system, which does not admit of a repayment to adjust an over-issue, and to the false principle of credits upon which the Exchequer accounts are founded. If the basis of the public accounts were, as Mr. Brooksbank recommended,* *payments* instead of *credits*, such results as those explained to the Committee, as arising out of the issue for the Duke of Wellington's funeral, could not occur.

It will be necessary that two accounts should be prepared, in order to give Parliament all requisite information as to the progress of the revenue and expenditure of the country, and to show how far the civil service grants have been applied in conformity with the directions of Parliament.

Cash Account.

The first should be a general account of the public income and expenditure, as at present. It should be prepared after the close of each quarter for the year ended on the preceding quarter-day, as required by the Act 10 Geo. 4, c. 27, and it should show the surplus of income above expenditure, if any, applicable to the reduction of debt.

The only change proposed in this account is that it should be founded on actual payments instead of credits. It should be clearly understood that this account can never be more than a simple cash account, commencing and terminating with the year. It cannot be made to represent the expenditure chargeable against the grants of the year, because at the time of its preparation the expenditure applicable to the service of the year to which it may relate will be far from being complete. Still the account will be a very useful one to Parliament, as it will represent, immediately after the close of the financial year, the state of the Treasury cash account, and the receipts and payments, compared with the estimated amounts in the budget.

Service Accounts.

The second account should embrace the expenditure of the revenue departments for payments on account of charges of collection and management, and the expenditure on account of the several services included in the miscellaneous estimates, compared with the sums granted for such services. This account, like those for naval and military services, could not be accurately prepared till several months after the expiration of the year, when all the payments applicable to the year's service had been accounted for.

Principle of voting Miscellaneous Services.

The principle upon which the votes for the expenses of the revenue departments and the civil services are taken requires a brief notice. The votes for the expenses of the revenue departments are taken, like those for naval and military services, for the payments to be made within the year. These votes, being only four or five in number, are easily passed through the House of Commons before the first of April in each year. The civil service votes are taken for the service of the year; in other words, for payments to be made on account of periods up to the 31st of March in each year. It would be no doubt convenient, and would expedite the closing of the accounts of the annual expenditure, if all votes could be taken for the payments to be made in the year; but to accomplish this it would be necessary to alter the practice of Parliament, and to pass all the votes before the 1st of April in each year. If the House of Commons could be induced to adopt this course in one year, there is very little probability that they would continue it: it will always be argued, that discussions for the redress of grievances, and pressing political questions, should take precedence of money grants. There are, moreover, difficulties other than parliamentary which prevent the adoption of the uniform rule of voting money to meet the payments within the year for all the civil services. It would be very inconvenient, in regard to many grants for special services which cannot be paid or completed within the year, to re-vote year after year the same sums. It appears therefore desirable, at any rate till the proposed new

* See Page 832 of Appendix to the Report of the Committee on Public Moneys.

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new regulations shall have taken root, that the existing principle of voting the civil service estimates should not be disturbed.

Service Account to be closed annually.

The service account of these votes would be closed at a date to be fixed, as in the case of the naval and military accounts; as regards all salaries, pensions, and similar charges at home, which are usually paid one quarter under another, there appears to be no sufficient reason for keeping open the accounts of those votes more than three months after the termination of the year; at the expiration of that term, the majority of the unexpected balances could be surrendered, while those balances only which it might be necessary to reserve for future expenditure would be carried forward, and be accounted for in a subsequent account.

It is necessary now to advert to the measures which should be adopted for establishing an independent check upon all accounts showing the appropriation of the grants of Parliament, so that full security may be provided that every case in which the slightest deviation may take place from the appropriations directed by Parliament may be reported to the House of Commons, should such occur, with the explanations afforded by the several departments of the causes which may have led to such deviations.

Proposed extension of the concurrent audit of appropriation.

It is proposed that this security shall be provided by extending to the whole of the public accounts the appropriation audit already in operation as regards the naval and military expenditure of the country, under the provisions of the Act 9 & 10 Vict. c. 92, thus investing the Commissioners of Audit with the high function of judging of the regularity of all the financial acts of the Government.

The Commissioners of Audit hold their offices upon the same tenure as the Common Law Judges, and they can only be removed from their situations by a joint Address to the Crown from both Houses of Parliament; and to confirm their independence, their salaries are permanently charged upon the Consolidated Fund.

A controlling duty of this importance, calling for the exercise of the greatest discretion and judgment, combined with an accurate knowledge of every branch of the public finances, may be more safely intrusted to an independent Board of Commissioners, who already possess an extensive knowledge of the public accounts, than to a single functionary; while the discrimination with which these duties of control have been conducted by the Commissioners of Audit, in their revision of the accounts of the great departments charged with the conduct of the naval and military services, affords a sufficient guarantee that the extended powers which it is proposed to intrust to them will be exercised with the same prudence and judgment.

Accounts which are not at present subject to the Appropriation Audit.

The revision of the Commissioners of Audit extends to the whole of the naval and military accounts; these are not only the most extensive, but they are the most intricate of all the public accounts. The accounts to which the appropriation audit has not been applied are those embracing the cash operations of the Treasury, the Consolidated Fund charges, the receipts and payments of the revenue departments, and the expenditure of the miscellaneous civil service grants.

Cash Accounts of the Treasury.

The cash accounts of the Treasury embrace the gross revenue paid to the Consolidated Fund, money raised by the creation of funded and unfunded debt, and repayments of advances; all cash issues for the general expenditure of the country, for the discharge of debt, and for advances by way of loan for works and other public improvements. It is proposed that this account, which gives a general view of the cash operations of the year, shall be examined by the Commissioners of Audit, who shall certify thereon that it is a true account, and that the cash transactions which it embraces have been conducted in conformity with the provisions of the laws applicable to them. If they should be of opinion that any departure from the strict provisions of the law has taken place, they should have power to call upon the Treasury for explanations, and if those explanations should not remove their objections, they should be required to report to that effect upon the account itself, for the information of Parliament.

Service Accounts.

Consolidated Fund Charges.

Revenue Departments.

Miscellaneous and

The service accounts showing the appropriation of the separate grants of Parliament would embrace the interest of the debt and other charges on the Consolidated Fund, the receipts and payments of the revenue departments, and the payments out of the miscellaneous civil service votes. The accounts of the revenue departments would probably require investigation in the separate departments, like those of the army and navy; but the others would be kept

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at the Treasury itself, and would be investigated there. The Commissioners of Audit should have the same powers as those granted to them by the Act 9 & 10 Vict. c. 92, before referred to, and should have access to all books, vouchers, minutes, and correspondence which they may wish to consult for the purposes of their examination. If, during the progress of their examination of any of the accounts, the Commissioners should discover any irregularity which, in their opinion, would be of sufficient importance to require them to make a special report on the subject to the House of Commons, they should be empowered to do so, but the explanations of the department responsible for the transaction should be annexed to their report. It should, however, be left to the discretion of the Commissioners to determine what subjects might be of sufficient importance to call for special reports in anticipation of their annual report upon the audited account. Civil Service Votes.

In order to strengthen the check upon the Government in regard to issues of money, for any service whatever, in excess of the sum voted by Parliament, it is contemplated by the proposed regulations that all payments shall be checked from day to day, in the departments in which they are authorised or made, by an officer to be appointed by the Commissioners of Audit; it will be the duty of this officer to follow from day to day the appropriation of every payment to its proper account, and to report immediately to the Commissioners any deviation from the appropriation sanctioned by Parliament. Concurrent Audit upon Issues.

It is further proposed that the Treasury shall make up every quarter, with the usual accounts of revenue and expenditure, an account showing, firstly, the votes of the preceding session; secondly, the amount of the cash payments in respect to each vote; and thirdly, the balance remaining unissued. It is proposed that this account shall be signed by the Secretary of the Treasury, and be certified by the Commissioners of Audit; and further, that it shall be published in the Gazette, and be presented to Parliament, when sitting. Security by publicity.

A further and final check of a parliamentary character is proposed upon closing the financial accounts of the year. The practice of laying accounts before Parliament, although most valuable to individual members and upon particular occasions, when the subjects to which they refer are under discussion, is, it must be admitted, of little use as a uniform and reliable check upon public departments. Reference has already been made, at page 3, to the strict control exercised by the Speaker upon the acts of the Government during the session, in reference to votes in supply and ways and means grants; but the cognizance and control of the Speaker, as the highest officer of the House of Commons, with respect to votes in supply and grants of ways and means, ceases with the passing of the Appropriation Act. In order, therefore, to provide that the House of Commons shall be assured, through the Speaker, of the correct application of the moneys granted for the public service, it is proposed that at the commencement of every session the House shall nominate a small Finance Committee, to consist of four members, to assist the Speaker; and that within a given time after the close of the financial year ending on the 31st March, the Treasury shall produce to such Committee two sets of accounts, both signed by the Secretary of the Treasury, and authenticated by the Commissioners of Audit:— Final parliamentary check and control.

First. A cash account, as already described. This account should embrace the whole of the cash transactions of the year ended on the preceding 31st March, as audited from day to day, and should exhibit the amount of each vote, the payments on account of it, and the balance remaining. The advances on imprest on account of army and navy must be shown as issues chargeable upon the aggregate of the votes for those departments. This account would extend to the whole of the cash operations of the Treasury, including the issues on account of all the departments of expenditure, during the year. To give a clearer view of what is proposed, a *pro formâ* set of accounts is appended to this paper. Cash Account.

Second. An account which should apply to the year preceding the one just concluded, containing the final adjustment and balance of all the heads of the civil expenditure as closed service accounts. Service Account.

These accounts, examined and reported upon by the Commissioners of Audit, as already suggested, would be revised by the Finance Committee, and would be returned Finance Committee.

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returned to the Treasury with any remarks thereon which the Committee might consider necessary.

Presentation of Accounts to House of Commons.

To complete the control of Parliament, through the Speaker, over the application of the money granted for the service of the year, the Government should be required to lay these accounts, and the reports upon them, before the House of Commons, and to move on a future day "*that they be received.*"

By these various means a check would be exercised by the Audit Board from day to day upon the financial proceedings of the Government; the results would be exhibited to the House of Commons and the public immediately after the close of every quarter; and within a brief period after the close of every financial year they would be submitted to the scrutiny of the Finance Committee of the House of Commons, presided over by the Speaker; and finally, they would be submitted for the sanction of the House itself.

Difficulties.

The application of the concurrent appropriation audit to these various accounts will be the most difficult part of the general change of system recommended. The books of account upon which the audit must be conducted still remain to be organised; many departments now charged with the duty of expending the miscellaneous grants, and in which distinct accounts are kept, have to be brought under subordination to uniform principles of preparing their estimates, of conducting their payments, of keeping their books, and of closing the accounts of the year's service upon which the balances are to be struck; but similar obstacles have already been overcome in the naval and military departments, and there is every reason to believe, that if the improvement be once earnestly undertaken, its onward progress will not be arrested by practical difficulties.

Greater efficiency of the proposed system of control.

The greater efficiency of the system of control now proposed over any other which it is possible to establish in connexion with the Exchequer, will be apparent when it is considered that the Commissioners of Audit must necessarily be cognizant of all the receipts and payments of the Receivers-general of the Public Revenue, whose accounts are finally passed by them, and therefore possess all the knowledge of the pecuniary transactions of the revenue departments which is necessary to enable them to check that great branch of the public finances, and to trace the receipts from the hands of the collectors to the account of the Consolidated Fund; and being, moreover, cognizant of every issue of money, will have the means of following it through all its stages to its final appropriation and adjustment, in whatever department or to whatever purpose it may be applied; whereas the Exchequer knows nothing of the revenue receipts before they are paid to the Exchequer account at the Bank, and loses all trace of the moneys imprested to the public accountants of the Crown, from the moment those imprests have been granted.

Treasury Chest Fund.

Fifthly. The regulation of the Treasury Chest Fund by Act of Parliament.

The system of parliamentary control of the public money would be incomplete if the Treasury Chest Fund were left, as it now is, at the disposal of the Government, free from any parliamentary restriction as to its application. It is true that a Royal Warrant defines the objects for which it is to be used, and prescribes that accounts shall be prepared annually by the Commissioners of Audit, and be presented to the House of Commons; but as this warrant is granted on the recommendation of the Treasury, there is nothing to prevent the Treasury from obtaining another warrant, altering or annulling the conditions of the existing one. It is therefore suggested that the Treasury Chest Fund be in future administered under the authority of an Act of Parliament.

This fund, formerly better known under the title of "Army Extraordinaries," and more recently under that of "Commissariat Chest Fund," is the balance of grants formerly made for army extraordinaries. Even a century ago the votes for "Extraordinary Expenses incurred and not provided for" were very large, and in 1814 and 1815 the sums granted for army extraordinaries and votes of credit exceeded 40,000,000 *l.* These grants were continued annually up to the year 1832, when they ceased.

The present balance of the Treasury Chest Fund consists of the remains of those grants; it is now stationary, all the services formerly provided for out of such grants having been transferred to the departmental estimates.

There

There is no question now of a control upon the issue of this money; the balance has been issued, and is in a state of constant circulation between this country and the several colonies where there are military and naval stations. The assets of the fund consist of specie in the several chests abroad, the balance in the Paymaster-general's hands at home, and the sums due to the chest for advances made to the several departments abroad, and remaining to be repaid at home. Its liabilities consist of Treasury bills drawn for money raised which remain unpaid, deposits in the chests for remittance home, sums due to colonial funds, and advances made by the Paymaster-general on account of the chest, beyond the cash balance at its credit in his books.

The points to be regulated by Act of Parliament are the following:

Firstly. To limit the amount of the balance, and to provide that if it shall at any time exceed that limit, such excess shall be paid to the Consolidated Fund.

Secondly. To provide that no final expenditure shall be charged upon the fund.

Thirdly. To provide that the fund shall only be employed for the legitimate banking operations of the chests, and for advances for public and colonial services repayable out of votes of Parliament, or other funds applicable thereto.

Fourthly. To provide that accounts shall be annually laid before the House of Commons, showing the cash operations of the fund at home and abroad during the year, and the assets and liabilities of the fund at the close of the year.

A draft of a Bill for the regulation of the Treasury Chest is set forth *in extenso*, at page 613 of the Appendix to the Report of the Committee on Public Moneys.

Before concluding this Memorandum, it is desirable to recapitulate the various suggestions which it contains. It has been suggested,—

1. That it may be provided by law that the gross revenues shall be paid to the account of the Consolidated Fund.
2. That the office of the Receipt of Her Majesty's Exchequer be abolished.
3. That one general Royal Order for the issue of the votes for supply services shall be granted at the commencement of each Session.
4. That the amount of ways and means granted by Parliament, to which the drafts of the Government for supply services are to be limited, shall be certified to the Banks of England and Ireland by the Treasury and Audit Board.
5. That the quarterly account of the income, charge, and deficiency of the Consolidated Fund be examined by the Audit Board; and that the amount to which the drafts of the Government for Consolidated Fund services and the advances of the Bank are to be limited shall be certified, in like manner, to the Banks of England and Ireland by the Treasury and Audit Board.
6. That the advances to the public accountants of the Crown charged with the duty of making the public payments shall be general; that their payments shall be made from a single balance; and the appropriation of sums paid on account of the respective votes shall be founded on actual payments.
7. That Exchequer Bills shall not be issued for the temporary advances made by the Bank to the Government to supply the quarterly deficiencies of the Consolidated Fund, and to supply the deficiency of that fund to meet the ways and means granted out of it.
8. That Exchequer Bills now payable out of supplies shall be payable out of the Consolidated Fund.
9. That power shall be given to the Government to issue new Exchequer Bills in lieu of bills paid off in money, not exceeding the limit to be

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fixed by Act, and that the proceeds of the sale of such bills shall be paid to the Consolidated Fund.

10. That Exchequer Bills shall run on from year to year, and be renewed only when called in; that coupons shall be issued for payment of interest; and that holders shall have the same annual option, as at present, of receiving payment of their bills in money.

11. That Exchequer Bills shall bear such rate of interest for each year as the Treasury may give notice of in the "Gazette."

12. That the business connected with the preparation, issue, and payment of principal and interest of Exchequer Bills be conducted at the Bank of England.

13. That Exchequer Bills shall be countersigned by a Commissioner of Audit.

14. That the business connected with the verification of weights and measures shall be transferred from the Exchequer to the Mint.

15. That the appointment of Paymaster-general be abolished, and that his duties as Chairman of the Chelsea Board shall be transferred to the War Department.

16. That the Pay Departments in London, Dublin, and Edinburgh shall be placed under uniform regulations as to their systems of payments and accounts.

17. That the annual account of revenue and expenditure prepared under the provisions of the Act 10 Geo. 4, c. 27, shall be founded on actual payments instead of credits.

18. That accounts showing the application of the votes for the expenses of the revenue departments, and of those for civil services, shall be laid annually before the House of Commons.

19. That the concurrent audit of appropriation by the Commissioners of Audit shall be extended to the whole of the public accounts.

20. That quarterly cash accounts shall be published in the "Gazette," and be presented to Parliament when sitting, showing the issues under every vote, and the balances remaining.

21. That as soon as possible after the close of every financial year the Treasury shall present the cash account of the year just ended, and the closed service account of the penultimate year, both authenticated by the Commissioners of Audit, to a Finance Committee to be nominated at the commencement of every Session and to be presided over by the Speaker; that these accounts, after investigation by such Committee, shall, with their observations, be presented to the House of Commons.

22. That the Treasury Chest Fund shall be regulated by Act of Parliament, instead of by a Royal Warrant; that the amount of the fund shall be limited; that no final expenditure shall be charged upon it; that the purposes for which it is to be used shall be defined; and that annual accounts, showing the cash transactions of the year, and the assets and liabilities of the fund at the close of each year, shall be laid before Parliament.

It should be borne in mind that the several changes recommended in this Memorandum are not necessarily consequent upon the proposed abolition of the Exchequer. If it had only been requisite to provide for the performance of the duties now executed by that department, and to secure no greater check upon the application of the public money than that office affords, a much more limited measure would have sufficed; but a partial change of that nature, although it might have simplified the transaction of the public business and saved expense, would have left untouched the more important question of providing for the deficiencies of the present Exchequer. It is therefore the object of the measures recommended, to supply those deficiencies by providing additional securities for the due fulfilment of the intentions of the Legislature, to improve the system of public accounts, to strengthen the control of the Treasury

sury and of Parliament over the departments of expenditure, and to fix in a more decisive manner the responsibility of the Government for all its financial acts, without fettering unnecessarily the free action of the Executive; and, finally, to give to the House of Commons, at the earliest possible period, a full and authentic statement of the financial transactions of the year. Appendix, No. 1.

April 1857.

Appendix, No. 2.

LETTER from *Edward Romilly*, Esq., to the Right Honourable Sir *F. T. Baring*, Bart., M.P.

Appendix, No. 2.

Sir, Audit Office, 13 June 1857.

I HAVE the honour to acknowledge the receipt of a paper on Financial Control, transmitted to me on the 18th instant by your directions, accompanied with a request that I would favour the Committee on Public Monies, at my earliest convenience, with any written observations I might think fit to offer on the same.

In proceeding to perform this task, I shall endeavour to confine myself, as strictly as possible, to those suggestions in the proposed financial scheme, which come more peculiarly under my own cognizance, from my connexion with the Audit Office, believing that in this way I shall best meet the object which the Committee have in view.

The two prominent suggestions contained in this paper are, first, to transfer to the Audit Office the duties now performed by the Comptroller-general of the Exchequer; and, secondly, to extend the system of appropriation audit, now in force at the Admiralty and War Office, to other departments of the State, so as to embrace the whole expenditure of the country, as annually voted by Parliament, or permanently charged upon the Consolidated Fund by legislative enactment.

Before, however, entering upon the consideration of these suggestions, it may be desirable to submit to the Committee what appear to me to be the main principles upon which a sound system of audit should be based; inasmuch as the opinion which I have been led to form of the suggestions in question depends upon their relation to those principles.

The duty of an auditor of public accounts should be to pass in review the acts of an accountant, after those acts have been completed. He should ascertain whether the rules laid down for the guidance of the executive officers, in respect of the receipt and expenditure of public money, have been duly observed; and he should point out and record any deviations from those rules that may have been remarked in the course of the examination of the account under consideration. His functions cannot properly begin until those of the departments whose receipts and payments he has to check have ceased; *i. e.* until the receipts and payments have been made and recorded, and this record has been duly transferred over to him for examination.

The more strictly this duty of the auditor is confined within these limits, and the more speedily the functions of the auditor follow those of the accountant, provided the functions of the two are not allowed to interfere with each other, the greater will be the security to the public. Any interference, direct or indirect, on the part of the auditors, previously to payment being made and recorded, cannot but lessen the responsibility of the accountant. It also renders the auditor incompetent to express an opinion on acts which he has himself advised and sanctioned. The freest possible action should be left to the executive to expend the public money entrusted to it, on its own responsibility, subject nevertheless to the subsequent examination and check of the auditors. The result of such examination by the auditors should be reported by them directly to those by whose authority the rules, which the accountant is bound to observe, were made. The mere knowledge that any deviations from those rules will be so reported,—as for instance, that deviations from the directions of Parliament will be brought directly under the cognisance of Parliament,—cannot but be a most effective check upon improper or irregular expenditure of every kind;

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kind; and in so far as the main branches of the executive are concerned, the publicity which must necessarily be given to such reports to Parliament, furnishes the most effectual mode by which control can be exercised through the instrumentality of an audit-office. In such cases, moreover, publicity is necessary as a check, not only on the executive, but on the auditors also.

These being, according to my apprehension, the true principles on which an audit of public accounts should be founded, I cannot concur in the first of the suggestions before adverted to; viz. that the control of the Exchequer should be transferred to the Audit Office.

The Comptroller-general of the Exchequer seems to me to be an officer of a purely executive character acting on behalf of Parliament. The duties of "drawing upon the Bank of England or Bank of Ireland, and of keeping "accounts of receipts and issues to the Treasury; the preparation of Exche-"quer Bills to the Bank of England, and of weights and measures department "to the Mint," are all of this description.

I submit, therefore, that, in the event of its being considered desirable that this direct executive control should be maintained over the advisers of the Crown, it should not be exercised by those who are charged with the duty of auditing the public accounts.

It is, moreover, proposed in the paper under consideration, that, with respect to the issues out of the Consolidated Fund, the legal authority to the Banks of England and Ireland for the transfer of the amount authorised by Parliament for Supply and Consolidated Fund services, and for issues out of the growing produce, should be given on the joint certificate of the Treasury and the auditors. In other words, that without the signature of the Commissioners of Audit, it should be impossible for the executive to make the ordinary issues, and carry on the public service. I should strongly deprecate duties being thrown upon the auditors so foreign to their proper functions, and which must either degenerate into idle forms, or be attended with risk and inconvenience to the public service. The same observation applies to the proposals, that various certificates and Exchequer Bills should be signed, either on the joint responsibility of the Treasury and the auditors, or of the auditors alone.

If the Comptroller of the Exchequer exercised functions not of an executive character, but functions analogous to those of the Audit Office, and instead of directly controlling and preventing acts of the Government, maintained a check upon those acts after they had been performed, by immediately reporting to Parliament every instance in which he conceived that the directions of Parliament had been infringed, I should then consider that his functions not only ought to be transferred to the Audit Office, but ought not to be vested in any other body. Whether the mode in which the present duties of the Comptroller-general of the Exchequer are exercised should be so altered, and these duties be then performed by the Audit Office, is a question which is not submitted in the paper under consideration, and is one on which it is therefore unnecessary that I should give an opinion, the more especially, also, as I am not familiar with the course of business at the Exchequer, and am naturally inclined to attach, perhaps, an undue degree of importance to the functions exercised by that office with which I am connected.

The second proposal in the paper under consideration is to extend the appropriation audit already in operation in the naval and military departments of the State, without, however, disturbing the existing principle of voting the Civil Service Estimates, at any rate until the proposed new regulations shall have taken root.

With respect to the proposal of not disturbing the existing principle of voting the Civil Service Estimates, it is to be observed, that it consists in taking the votes for the service of the year, instead of taking them for sums which come in course of payment during the year, as in the case of the Army and Navy departments. There can, however, be no doubt, that unless the mode of taking the votes for the naval and military expenditure be extended to the Civil Services, and the system of allowing running balances to go on from year to year without limit, as at present, be stopped, no satisfactory comparison can be instituted between the votes, and the expenditure under those votes. The constitutional doctrine that grievances should be redressed before money is granted, is adduced in the paper under consideration as an argument for not making the change in question, and for allowing the Civil Service votes still to be

be postponed till a late period of the Session. But this argument, if admitted, has, as I conceive, far greater weight when applied to the military establishments of the country, than when applied to Civil Services. It may also be remarked, that until, what may be considered the concluding Act of the Session, viz., the Appropriation Act, has been passed, none of the grants of the year have been definitively sanctioned.

In considering whether the present system of appropriation audit for the Army and Navy departments should be extended to the other departments of the State, it will first be necessary to state what that system is; the object it has in view; and the mode by which that object is carried into effect.

The object of this audit, as now conducted under the sanction of the Legislature, is to institute a comparison between the sums severally granted and included in the Appropriation Act, and the expenditure under those grants.

The several votes taken for each department comprise various subordinate items included in the Estimates; and, under the provisions of the Legislature, the Commissioners of Audit are not directed to institute any comparison between the details of the expenditure and these subordinate items. It is true, that an account of the expenditure in detail, classified according to the heads under which the ledgers of the respective departments are kept, is rendered to the Audit Office, and annually laid before Parliament by the Treasury. But this is voluntary, not made imperative by legislative enactment; and in the event of the auditors ascertaining, in the course of their examination, that the intentions of Parliament had not been followed with respect to any of the subordinate items, they would not be entitled to question the department, and to report to Parliament on the subject. For instance, a vote is submitted to Parliament of 138,399*l.*, for salaries, &c.; an Estimate is laid before Parliament, showing in detail the various items upon which that vote is founded. Exception is taken in Parliament to one of these items as being unnecessary or excessive, and the House of Commons resolve to diminish the amount of the vote or grant to the extent proposed. The vote is accordingly taken for the smaller amount. But the comparison which has afterwards to be instituted by the Audit Office is between the gross vote and the gross expenditure in respect of that vote. So that if Parliament should consider a salary of 2,000*l.* more than should be granted to A. B., and that, in consequence, the vote for salaries should be diminished by 500*l.*, it would, nevertheless, be in the power of the executive to pay the 2,000*l.* to A. B., nor would the auditors be entitled to notice this deviation from the intentions of Parliament, provided the total amount expended under the head of "Salaries" were kept within the limits of the sum so voted. The instance given is entirely hypothetical; nor do I mean to intimate that if Parliament diminished the amount of a vote to the extent of an item objected to in the Estimate, the Government, or any one acting on their behalf, would take a course contrary to the intentions of Parliament, upon the plea that such a course was, in their opinion, best for the public service, or upon any other plea. All that I intend to assert is, that in such cases, and many others of more importance might be given, there is at present no provision for informing Parliament whether their wishes have been fulfilled or not, or of showing whether the Government are entitled to the credit of having acted in all respects strictly in accordance with the intentions of Parliament.

The examination in detail of these accounts rests with the departments themselves. This practice is founded upon the last paragraph of the 30th sect. of 2 Will. 4, c. 40, passed in 1832;—the Act by which the Legislature recognised for the first time the principle of an appropriation audit. The words of this paragraph are, "Provided also, that nothing herein contained "shall be construed to vest in the Board of Audit any discretion as to the "allowance or disallowance of any item of expenditure in support of which "the usual and regular vouchers shall have been produced to and allowed by "the Commissioners for executing the office of Lord High Admiral."

This Act was passed some years before I was a member of the Audit Office; but I apprehend that the construction always put upon this clause from the earliest period by the Board of Audit was, that they were precluded from making any objection or inquiry with respect to items which had already been authorised and passed by the chief authorities of the Admiralty. It is true that this clause is not to be found in the subsequent Act of 9 & 10 Vict. c. 92, repealing the 2 Will. 4, c. 40, so far as relates to the account of naval receipt

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and expenditure; but I do not suppose that even if the attention of the Audit Board had been specially called to this omission, they would have concluded that it was thereby intended to alter the former practice, and to give them power which they had never exercised before, and from the exercise of which they had been directly precluded. What may have been the motive for this omission I have no means of knowing, as the existing Act was not, during its progress through Parliament, submitted for the consideration of the Audit Office. But it was understood that the object of the 9 & 10 Vict. c. 92, was simply to extend the system in force at the Admiralty to the Ordnance, Commissariat, and War Office; and the deviations from the former Act, to which I shall presently allude, were certainly not calculated to extend the powers of the Audit Board; nor, indeed, would it have been possible for the Audit Office to have done more than continue the system then in force, since only one examiner for each department was allotted by the Treasury for the duties in question. In confirmation of this view, it appears, by a letter addressed by the Secretary of the Audit Board to the Admiralty in October 1832, enclosing a list of irregularities which had been observed in the examination of the account, that the Board considered that "the irregularities in question were *not such as to* "*form grounds of objection under the provisions of the above Act* (viz., the 2 Will. 4, "c. 40), and that they might on inquiry turn out to be of no importance; but "they nevertheless thought it desirable that the Lords Commissioners of the "Admiralty should be apprised of them, for the information of the Accountant-"general of the Navy." And it was intimated in this letter "that the same "course would be pursued in future with regard to any objections of a similar "kind which may arise in the examination of the accounts." It does not appear, however, that any answer was sent by the Admiralty to this letter, nor did the Audit Office continue, as at first proposed, to point out similar irregularities in subsequent accounts.

It is also stated in a Treasury Minute of the 13th January 1846, in anticipation apparently of the passing of the 9 & 10 Vict. c. 92, in August of that year, "Their Lordships are of opinion that the time has arrived for applying to the "Naval and Military departments, in a *uniform* and *consistent* manner, those "principles of account which have been recommended by the highest authori-"ties on the subject, and have *stood the test* of a *practical trial*, and for giving "them the force of positive rules; and my Lords will proceed to state as briefly "as possible what those principles are, and in what manner they should be "applied;" and later in the same Minute, it is observed, "That detailed audit, "the object of which is to allow or disallow the different items of expenditure "according as they are or are not conformable with departmental rules, or *are* "or *are not supported by proper authorities and vouchers, will be conducted by and* "*on the responsibility of each department*; but that higher and more general "description of audit, the object of which is to ascertain and report whether the "grants of Parliament have been duly applied to the purposes to which they "have been appropriated by the *Annual Appropriation Act*, as explained by "the Annual Estimates upon which that Act is founded, will be conducted in "future by the Commissioners of Audit under the superintendence of the "Treasury."

The ostensible ground for introducing into the original Act of 2 Will. 4, c. 40, the clause in question, and for the practice consequent thereon, was to leave the whole responsibility for the expenditure in respect of grants of Parliament to the heads of those departments to whom the grant had been made. I have already expressed my entire concurrence in that doctrine; and that no auditor ought to have the power of interfering with the free action of the executive. Nevertheless, it is difficult to conceive how real responsibility can attach to the acts of the executive without publicity. To ensure, therefore, the responsibility contended for, it would seem necessary that, after the executive had performed its part, the way in which that part has been performed should be ascertained by thoroughly independent officers, and the result made known to Parliament.

The officers by whom the object, as above described. is accomplished consist of an inspector and three examiners under his superintendence. The former is appointed by the Treasury and the latter by the Audit Board, and their duties are carried on in the departments whose accounts they have to examine. In the event of any inaccuracies being discovered in the accounts by the Commissioners

sioners of Audit, the Treasury are invested, by the 9 & 10 Vict. c. 92, s. 2, with the power of directing the accounts to be returned to the departments concerned for correction; amended accounts being substituted for those which are inaccurate. The Treasury are also "to determine in what manner the "items objected to shall be presented to Parliament." The accounts are laid before Parliament by the Treasury and not by the Commissioners of Audit, as originally directed by the 2 Will. 4, c. 40. The above provisions were all of them introduced in 1846, by the 9 & 10 Vict. c. 92; and their tendency, it is scarcely necessary to observe, is to invest the Treasury with far greater power over the examination of the accounts of the Admiralty and War Office than would appear to have been contemplated when the 2 Will. 4, c. 40, was passed regulating the Admiralty accounts.

With respect to the practical mode by which the examination of the accounts is conducted in the departments concerned, I beg particularly to call the attention of the Committee to the evidence of Mr. Hollings, a clerk of the first class in the War department. (Q. 4637–41, p. 448, 449). It is there stated by Mr. Hollings that his understanding of the audit was "that to save "trouble and correspondence, it was very desirable to dispose of as many "questions within the walls of the building as possible, and that it was consi- "dered right that in any case in which the auditor did not feel that a parti- "cular record was correct, he should call the attention, in the first instance, of "the book-keeper to it, and it might be that he would at once see that it was "wrong, and it would be set right; and then there would be an end of the "auditor's duty in that particular case. But if the book-keeper felt that he "was not competent to agree with the auditor, he would then submit the "question to his superiors; and if the decision were that the entry should be "made to correspond with the auditor's conclusion, then again there was an "end of the business; and only in those cases in which the departments could "not agree with the auditor, was it supposed that reference would be made to "the Commissioners of Audit, inasmuch as there could be no necessity for such "reference in the other cases." Mr. Hollings farther observes, that nothing can have worked more harmoniously than this system.

There is no evidence before the Committee as to the course pursued at the Admiralty, but it is distinctly placed on record by Mr. Hollings, that at the War Office, any objections raised by the auditor are at once communicated to the book-keeper, who has thus an opportunity of setting the matter right. The book-keeper thus cannot but be impressed with the conviction, that whatever error may have been committed, the responsibility of it will in a great measure if not wholly, fall upon the auditor, unless the auditor has pointed it out in time for correction; and the auditor is, at the same time, converted into an adviser and officer of the executive, instead of being a check upon it. Such a system, so carried into effect, tends to blend those two offices into one; and to make the auditor responsible for entries in an account which he has contributed to make up, and to the correctness of which he has afterwards to certify.

But this is not quite accurately stated by Mr. Hollings, for by the word "auditor," it is obvious that Mr. Hollings means the inspector in charge of the army accounts; and it is not that officer, but the Commissioners of Audit who have ultimately to certify to the correctness of the accounts. These communications, moreover, which are stated to pass between the officers in question are necessarily verbal, for as Mr. Hollings states, the course pursued "is to "save trouble and correspondence;" and thus in the instances referred to by Mr. Hollings there is nothing on record to show whether the decisions come to are right or not, or whether the points decided on are unimportant or otherwise. It must not, however, be concluded from this evidence that the result of the Audit Office examination is not laid before the Commissioners of Audit by their officers, and that those questions which arise, and are considered important by them, are not submitted to the Board for decision. A copy of the rules drawn up by the Audit Board for the guidance of their officers, and now in force, is subjoined to this paper.

Nor would it be right to conclude from what has been stated, that a very considerable security is not afforded to the public from the system in force; that it was not a step in advance at the time it was established; that the system of book-keeping introduced into the departments concerned, is not admirably contrived with a view to ensure the simple, perspicuous, and accurate record of

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the transactions of the account, and to facilitate the examination of the books of the department; nor can it be denied that there is an advantage in the examiner having immediate access to original authorities, vouchers, and correspondence, and in thus avoiding the labour and consequent expense to the public of having duplicates, or certified copies made of the documents for transmission to the Audit Office. The system, nevertheless, is one which not being founded, as I conceive, on the true principles of audit, is peculiarly exposed to danger of various kinds; and those dangers, if the system is to be maintained and extended, should be most carefully and strictly guarded against. To point out more specifically these dangers, and to suggest an efficient remedy, is a matter of much detail and of great difficulty, and which it is not necessary to discuss in connexion with the principles of financial control enunciated in the paper under consideration.

It is proposed that the system, which has been above described, should be extended to the several departments of the State which receive grants of public money, and to the Treasury department. Now, it must be borne in mind, that the officers by whom the duty of appropriation audit is at present conducted, are subordinate officers of a subordinate department, and that they have more to hope for in their advancement in life from the chief officers of the executive than from their own official superiors, the Commissioners of Audit. Nothing is farther from my intention than to throw the smallest doubt upon the high integrity of those gentlemen who are now employed upon the responsible duty in question, or to suggest that, if indeed the occasion presented itself they would not be ready to act with independence; but no sytem can be permanently sound and useful which requires an unusual amount of judgment and moral courage to carry it satisfactorily into effect, and is not based upon the ordinary principles known commonly to actuate human conduct. To place, therefore, at the Treasury officers of a department subordinate to the Treasury, in order to maintain an efficient Parliamentary check over the Treasury, would, as it appears to me, be a delusion.

The suggestion in the paper under consideration extends not only to the Treasury but to all the departments of the State which receive grants of public money, and which, it is presumed, are established in London; such as the Mint, the Customs, the Post-Office, the Inland Revenue, the Woods and Forests, Works, the Board of Trade, the Secretaries of State, &c. &c. In each of these departments one or more officers of the audit establishment would be placed, while the responsibility for the business so transacted would fall exclusively on the Commissioners of Audit, sitting altogether apart from these different branches of their establishment, and with no very ready access to the documents on which their decision would have to depend. In the great majority of the departments above mentioned, the examination of the accounts in detail is already imposed upon the Commissioners of Audit, and there is a marked distinction between such cases and those in which the detailed examination is vested in the departments, In the latter class of cases there is apparently a greater necessity for a local audit by the auditors, since that audit consists in simply tracing through the several cash-books and ledgers of the department the sums already allowed by the departments, and seeing that these sums are classified under their proper Parliamentary heads, and the removal of those books which are in constant use for carrying on the service and recording its daily transactions cannot easily be accomplished. The risks, however, which are inseparable from this mode of conducting the audit of public accounts are greatly increased when the responsibility thrown upon the Commissioners of Audit, instead of being confined to checking the classification of accounts, extends to the allowance or disallowance of every item included in them.

In the foregoing observations I have endeavoured to confine myself strictly to the directions of the Committee, and in doing so, to lay before them without reserve the nature of the system of appropriation audit now in force, and at the same time to state what appear to me to be the main principles upon which a sound system of audit should be based. How far these principles are in themselves just and sound, and how far it may be practicable to maintain them consistently with the suggestions of the paper under review, it is for the Committee to decide.

But whatever system be adopted with a view of enforcing the responsibility of the executive by means of an Audit Office check, that office should I conceive

ceive be thoroughly independent of the executive, not in name only but in reality. The Commissioners of Audit should themselves be responsible to Parliament; and the rules under which they act should be clearly defined, and submitted to Parliament, without whose knowledge and sanction they should not be liable to alteration. It is obviously undesirable, whatever system may be established, that it should be liable to misunderstanding or misconstruction;—that any difference of opinion as to its practical working, should exist between those persons whose duty it is to carry it into effect,—or that Parliament should be led to believe that the Commissioners of Audit are performing duties which they do not, and in reality are not authorised to perform. The exception I take to the suggestions now under consideration, is not that they increase the power of the executive, but that, in affording facilities for the conduct of the business of the executive, they do not supply any real check upon its proceedings.

It is with great diffidence that I have ventured to offer any remarks which may be considered as in opposition to the paper before me, drawn up as it is with such eminent perspicuity and ability, and evincing so complete and intimate a knowledge of the financial system of the country, the more especially as the time allowed me for the purpose has necessarily been interfered with by the current business of my office. But, however little I may have contributed towards effecting the object the Committee have apparently in view, I cannot entertain any doubt that, provided the Legislature come to the determination to be promptly and accurately informed as to the mode in which its grants of public money have been dealt with by the executive; provided the executive will cordially co-operate in instituting an effectual and permanent check upon its own proceedings; and provided the separation of the duties of the Audit Office and the functions of the executive is strictly preserved, there can be no insurmountable difficulty in practically carrying their wishes into effect.

I have, &c.
(signed) *Edward Romilly.*

The Right Honourable Sir F. T. Baring, Bart., M. P.,
&c. &c. &c.

EXTRACT from the MINUTES of the BOARD of AUDIT, dated 13 July 1849.

THE Board refer to their Minute of the 20th ultimo, on the subject of the duties of the several inspectors, and the control to be exercised by the Commissioners over the accounts in the charge of inspectors.

As that Minute does not provide for the immediate superintendence by a Member of the Board of the business assigned to the inspector in charge of Naval and Military Accounts, viz.

The Army,
The Navy,
The Ordnance, and
Commissariat Accounts,

the Chairman proposes to undertake that duty.

The Board, in recording this upon their minutes, think it right that precise instructions should be laid down for the guidance of the inspector in charge of Naval and Military Accounts, and of the examiners employed under him, in the important and delicate duty confided to them.

They are therefore pleased to approve of the following regulations; viz.—

1st. Three examiners will be appropriated for service under the inspector in charge of Naval and Military Accounts; one to be employed at the Admiralty Office; one at the War Office; and the third at the Ordnance Office. The Board not considering the Commissariat Account of sufficient magnitude to require the service of another examiner, rely upon the inspector in charge to make an arrangement for its examination, either in his own person as hitherto, or by one of the examiners employed under him.

2d. These examiners are to keep a journal of their proceedings, in the same form as that prescribed in the General Instructions for Examiners at this Office.

As, however, the receipt and expenditure is classified daily in the departmental registers and abstract books in its progress to the ledger and journal, it will not be necessary to transcribe amounts into the examiner's journal. Such journal is to be used as the record of any irregularities that may be discovered, and is to contain the direction given by the inspector in charge in each case.

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It is also to record briefly the nature of the duty upon which the examiner is employed each day, and the date up to which his examination has proceeded upon each register or abstract book.

3d. The three journals are to be submitted monthly by the inspector in charge, with any observations he may have to offer with respect to them, to the Chairman, for his inspection.

4th. All transfer entries that have been made in the departmental journals for the purpose of adjusting or correcting entries previously made in error or otherwise, are to be copied by the examiners, and submitted to the Chairman every month, with the examiner's journal, through the inspector in charge.

5th. The inspector in charge is to prepare, at the end of each month, for the information of the Board, a statement showing the amount posted in the ledgers of the several departments under each vote of the respective Estimates, distinguishing the total sum credited to each vote; also the amount advanced on imprest each month, and the amount of imprests cleared; together with the "Old Store and Extra Reciept Moneys" credited, and the amount paid over to the Exchequer. Thus:—

NAVY ESTIMATES, 1849-50.

VOTES.	1.	2.	3.	4.	5.	6.	7.	&c.	TOTAL.	Imprests.	Old Store and Extra Receipt Moneys.	TOTAL.
April -												
May -												
&c.												

6th. When the account of a department is rendered to the Board, the inspector in charge is to prepare a statement in detail, showing the imprests outstanding at the close of the account, that is, after the expenditure made by sub-accountants within the year of the account has been examined and carried as a charge against the vote; thus distinguishing such of the sub-accounts of expenditure as are not included in the account. Against each imprest sum is to be inserted the date of the last entry in the ledger under each account on the debit side, and in another column the date up to which the party has been allowed credit. Thus:—

	Imprests on 31st March 1849.	Date of last Advance.	Date up to which Credit has been allowed.	REMARKS.
A. B. - -	2,000	27 June 1848 -	31 March 1848.	
C. D. - -	1,000	27 February 1849	31 December 1848	Not included.

7th. Should there be any suspense, or intermediate account remaining unsettled, the inspector in charge is in like manner to bring it before the Board.

8th. In addition to these instructions, the inspector in charge, and the examiners employed under him, will have for their guidance,—

The Treasury Minute, 13th January 1846;
Act 9 & 10 Vict., c. 92;
The Annual Appropriation Act of each Session; and
The general instructions, for this office issued by the Board, so far as they may apply;
Together with such special directions as may be issued from time to time.

9th. The inspector in charge is, with the approval of the chairman, to remove the examiners employed under him from one department to another, as may be found most convenient and desirable for the public service; and should he at any time require additional assistance in completing the examination of the accounts, he is to represent the same to the Board.

10th. As

10th. As the Lords of the Treasury have thought proper to sanction the employment by the Board of the inspector in charge of naval and military accounts upon any other duty that the Board may consider desirable, a room is to be appropriated to his use at this office, in order that he may be in attendance whenever his duties may not require him either at the Admiralty, War Office, or Ordnance Office, when he will see the minutes of the Board's proceedings, to which he is to attach his initials, in proof of having read the same.

When the inspector in charge is in attendance at either of those offices, he is to leave a memorandum in his room at the Audit Office, stating where he is to be found, in the event of the Board requiring him.

11th. Whenever the inspector in charge of naval and military accounts may be absent on leave or from sickness, the examiners employed under him are to apply to the secretary for any information or advice they may require in the performance of their duty.

12th. As the character of a local audit must necessarily bring the inspector in charge and examiners into constant communication with the officers of the accountant's department, whose accounts they examine, in order to facilitate the course of audit, they are enjoined in the performance of the important and delicate duties entrusted to them, to exercise the greatest discretion; and when the record books are wanted to trace expenditure through them, care should be taken that the period chosen for that purpose does not interrupt the progress of the current business of the department; nor are the administrative functions of the department to be interfered with.

NOTE.

For a statement showing the nature of the audit to which the accounts of the Naval and Military departments are subjected, and of the course of proceeding since the appointment of Mr. Hoffay by Treasury Minute of the 8th September 1846, *see* his representation to the Board dated 15th March 1848, and his reply to Question No. 2413, at page 231 of Minutes of Evidence taken before the Select Committee of the House of Lords on the Audit of Railway Accounts, Parl. Paper, No. 371, Session 1849.

Also, for a statement explanatory of the mode of examining in detail the account of naval receipt and expenditure, *see* Mr. Whiting's paper, dated 16 July 1845, appended to the Sixth Report of the Committee of Inquiry into the System of Account and Audit in the Ordnance Department.

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Appendix, No. 3. OBSERVATIONS upon the MEMORANDUM on FINANCIAL CONTROL, by the Comptroller-General of the Exchequer; prepared at the request of the Select Committee on Public Monies.

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OBSERVATIONS

UPON THE

MEMORANDUM ON FINANCIAL CONTROL,

BY THE

COMPTROLLER-GENERAL OF THE EXCHEQUER,

PREPARED AT THE REQUEST OF THE

SELECT COMMITTEE ON PUBLIC MONIES.

I.—ON THE PRINCIPLE OF FINANCIAL ADMINISTRATION IN A FREE STATE.

1. Reference to the Comptroller-general of the "Memorandum on Financial control."

1. I FEEL the reference of the "Memorandum on Financial Control" which has been made to me by the Select Committee of the House of Commons on Public Monies a high honour; but at the same time a serious responsibility. I should be undeserving of the one, and insensible to the other, if I did not endeavour to the best of my power, to discharge the duty imposed upon me. The Comptroller-general of the Exchequer is an officer of the Crown, but he is also, most wisely, made responsible [4th & 5th William IV., cap. 16, s. 2] to both Houses of Parliament; and I am bound, as a first obligation, to enforce, as far as in me lies, the just appropriation of the public money voted by the House of Commons. On the maintenance of this principle, the very existence of our constitution depends; and I feel that it is brought into peril, by the proposition contained in the Memorandum referred to me. I shall not hesitate to comment on that paper with the boldness and freedom which I consider becoming in one placed in immediate relation, and made directly responsible, to Parliament. I shall therefore offer no apologies if, in the observations I am required to make, I keep in view the obvious intentions of Parliament in vesting in my office a control over the issues of the public treasure, and making it my express duty to refuse obedience to the highest authorities of the State, if the act commanded is, in my conscience, contrary to law. It is in this spirit that I feel bound to examine the "Memorandum on Financial Control," referred for my consideration. If I animadvert with freedom upon any imperfections in our past or present system of administration, and point out unreservedly the dangers with which the proposal before me appears to be fraught, I feel a respectful confidence that the Committee will perceive that such frankness of observation is justifiable and is absolutely necessary for the elucidation of truth, and for the discharge of my duty.

2. Importance of the question. Its mode of treatment.

2. The question at issue appears to me of the most vital constitutional importance, involving no less than the maintenance of a just Parliamentary control over the appropriation, and issue of the supply voted to the Sovereign, one of the highest privileges of the House of Commons. This question can hardly be discussed without reviewing the essential principles of our financial system, from the first receipt of the revenue to its expenditure and the final audit. If I fail in performing so great and difficult a duty, the Committee will be indulgent in consideration of the sudden call they have made, and the weight of the task which they have imposed upon me.

3. The Memorandum abandons all control over issues,

3. The proposition contained in the "Memorandum" amounts to the withdrawal of all Parliamentary control over the first issue, to public accountants, of monies granted for the public service; abandoning as impracticable the legal restraints which now exist and are enforced at the time of making such issues, "to secure the application of the separate grants in "conformity with the directions of Parliament, and to prevent an issue "in excess of any one of these grants." (Memorandum, p. 4). In substitution for these wholesome restraints, we are invited to rely for our safety

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on the Appropriation Audit after expenditure, and on "a revision of the accounts "by the Audit Board, combined with the publicity to be attached to the "action of the Treasury." (Memorandum, p. 13.) This change sets aside the prescriptive control immemorially exercised by the Exchequer over the Ministers of the Crown; sanctioned anew and perpetuated in 1834 by the 4th and 5th Will. 4, cap. 15; an Act founded on the Report of Commissioners of the highest ability and experience. It thus proposes, for the first time in our history, to place the powers of issuing public money at the absolute command of the Treasury. The duty of this department, as described by the Memorandum (p. 13), "would be to place to the credit of all accountants "charged with public payments the sums necessary for that purpose, to be "dealt with as a single balance at the credit of each; the appropriation of the "expenses to the departments on Votes being made after payment." (Memorandum.) The present system is one which, whilst it prescribes a Parliamentary control over the issue, no less enforces the check of a subsequent audit; thus relying upon two securities against abuse. The new plan relies on a single check, that of the audit. So far as the two systems differ, the one is founded upon a principle of a constitutional jealousy—the other on the grant of unrestrained power and unlimited confidence to the Executive Government. This principle, on which the "Memorandum" rests, is clearly described in Mr. Anderson's Memorandum, 27th March 1854, as well as in many passages of the Evidence on Public Monies. He observes, "Let your system be based on confidence in the Government, and let the con-"trolling and responsible department of the State" (*i. e.* the Treasury) "have full "freedom of action. Simplify your machinery; make your system of public "accounts as comprehensive, uniform, and exact as possible, extend the control "of the Audit Board, not to obstruct the current business of Government, but "to verify the regularity of the whole of their accounts, and of their financial "proceedings." He proceeds to observe, "In France the finance department "is the office of Government control over the whole of the public finances; it "keeps in its own hands the collection and distribution of the public treasure, "and retains the custody of all balances. Confidence in the Government with "respect to the issues of public money is thus the foundation of the proposed "system." I have vainly sought for any constitutional authority to justify this principle. I do not find that it is, or, has ever been supported by any of our great text-writers, or by the authority of any constitutional statesmen. The only instances which support such a doctrine are two, which it would be uncandid to pass over. Clarendon informs us, that Cromwell would not permit any clause of appropriation in the supplies given to him, or that the impositions raised should be disposed of to any use or purposes, or by any persons, except under his own name. Another case is described by Mr. Hallam in the following words: "The unworthy House of Commons that sat in 1685, not content with "the needless augmentation of the revenue, took credit with the King for *not* "*having appropriated the supplies.*" The words in the Speaker's address to King James II. (May 30th) were "We present this Bill to your Majesty "without the addition of any conditional appropriating or tacking clauses." These examples of Cromwell and of James the Second may, perhaps, be taken as authorities for the doctrine of unlimited confidence in the Executive Government, I know of no others.

and is based on the principle of confidence in Government.

4. This principle new and unconstitutional in this kingdom.

4. I utterly reject this principle. I deny that such confidence in the Executive Government is, has, or ought to be recognised in any free State. I deny that it has ever been, from the earliest times, a principle adopted under the British Constitution. On the contrary, it is constitutional jealousy, and not confidence, upon which our institutions are founded, and on which the safety of the liberties of England depend.

5. Although it may be adopted by a despotic Government.

5. It may be true that in France, a country under an unrestrained despotism, such a system may be adopted and defended; but, even in France, it is clearly shown not only by the ancient records and annalists, but by the researches of able contemporary historians, M. de Tocqueville and Sir James Stephen, that, in the earlier times, larger constitutional powers were enjoyed by the French people, and privileges more analogous to our own existed in France, though now unhappily lost. It is to these changes that the historian Mezeray alludes,

alludes, in describing the control over taxation, which France lost and England retained; closing his observations in the following address to the British people, "Think nothing too dear to maintain these precious advantages; and if ever "there be occasion, venture your lives, your estates, and all you have, rather than "submit to the miserable condition to which you see us reduced." I do not attach importance to the example of France, relied on by the witness, though it will be seen as I proceed, that under an absolute Government France still possesses, in her Court of Accounts, checks more efficient than any recommended for England in the "Memorandum on Financial Control." Appendix, No. 3.

6. The witness to whom I have referred, (Mr. Anderson), admits (Q. 1386.) indeed, that Parliamentary control proceeds upon the principle of Parliamentary jealousy; but he nevertheless suggests that Parliament would act wisely to strengthen and place a little more confidence in the controlling department of the Government (*i. e.*, the Treasury). It is with astonishment that I find the necessity of Parliamentary vigilance, jealousy, and even suspicion, brought in question. I had considered it to be one of the least controverted and most elementary constitutional truths. I dwell upon this principle the more strongly, because the defence of the financial plan contained in the Memorandum, which I impugn, depends upon the substitution of indefinite confidence for constitutional jealousy. 6. Parliamentary control is founded on principle of mistrust.

7. In support of my proposition, I entreat the indulgence of the Committee whilst I refer to the leading incidents of our financial history. The extraordinary nature of the proposal made, and of the new doctrines which it contains, renders it necessary to make references which otherwise would be trite and common-place. In the earliest times of the British monarchy, the support of the State establishments depended mainly upon funds derived from the Royal authority alone. Hereditary land estates, feudal incidents, and revenues of a similar kind, supplied the greater part of the funds required for State purposes. But in great emergencies, taxes, talliages, subsidies were resorted to in aid of, and as supplemental, to the personal revenue of the Crown. It was as against the illegal imposition and levy of taxation that the earlier contests between the Crown and Parliament arose. The prohibitions of levying scutages, talliages, and other aids, in the earlier times, from the Great Charter downwards; the first abolition of benevolences so early as the reign of Richard III., when in the emphatic and appropriate words of the Act, that source of revenue was declared to be "damned and annulled for ever;" the declaration in the Petition of Right, that "no man be compelled to make any gift, loan, benevo-"lence, or tax without common consent by Act of Parliament;" all these assertions of freedom were completed and embodied in the Bill of Rights at the Revolution—the period at which our civil liberties were consolidated and completed, by the establishment of a constitutional financial system. It is, therefore, no longer a matter of controversy or doubt, that in the words of the Resolution of 1688, the "levying of money for the use of the Crown without grant "of Parliament, or in other manner than the same is granted," is illegal. 7. Historical proofs. Taxation illegal except with Parliamentary sanction.

8. But the framers of our constitution soon perceived that the prohibition of raising taxes without Parliamentary authority, would be unavailing if the proceeds, even of legal taxes, could be expended at the arbitrium of the sovereign. Hence an additional protection was found to be indispensable. The right of appropriation was the immediate and logical consequence of the right of levying the supplies. It is described by Mr. Hargrave (Juridical Arguments) as the practice of Parliament "to *appropriate* the *supplies* granted during a "Session, by a statute describing the application of them to certain specified "uses, according to the exigency of the year. The early exercise of these "Parliamentary powers is traceable to very remote times; numerous and signi-"ficant precedents are found in our history, sufficient to establish and explain "the principle. In the ninth of Richard II., 1-10th, 1-15th, and a moiety of "each were granted by Parliament for specific purposes; the safe custody of "the sea, and the aid of John of Gaunt. Not only was the application of the "sums made to these specific uses, but receivers and supervisors were named "by Parliament, and the receivers were prohibited from making any expenditure "without warrant of the King and of the supervisors." Mr. Hargrave correctly observes, "This was more than an appropriation, as it took from the King's 8. Strict appropriation of supplies a necessary consequence.

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" officers of the Exchequer their constitutional right of receiving and issuing " public monies; *and therefore evinced a peculiar want of confidence in the " executive power at the time.*" A similar case occurred in the sixth of Henry IV. Tonnage and poundage were appropriated to *specific uses*, Parliament constituted two treasurers to whom the tax was paid for these special uses, these two treasurers and all the officers of the Exchequer, were made accountable in the next Parliament; and it was enacted that, " if by any " warrant, patent, written order, great or privy seal, this money should be " paid *to any other use than that for which it* was " granted, those who grant " them, as well as those who pay the money, shall be held guilty of high " treason." In another case the penalty was made a premunire, and during many years other penalties were provided. In reference to these earlier cases Mr. Hatsell states, " In these demands, now about 400 years ago, we " may trace not only the practice of Parliaments interfering to appropriate their " grants to *such services* as they thought the public necessity required, but that " even at the time when the King's revenue for the expense of the civil govern- " ment and the household expenses arose, not from the grants of Parliament, but " from lands, services, and other profits annexed to the person of the sovereign, " the Commons did not entertain a doubt of their competence to interfere in pre- " venting the abuse of this expenditure." Another case may be cited in the 21st James I., cap. 34, " Three subsidies 3-16ths and tenths were voted with an appropriation of 18,000 *l.*, for the repair of decayed cities; and the residue for war with Spain. Eight citizens of London were appointed treasurers, and ten of the King's council for the war; the former were required to make oath that none of such monies should issue without warrant from the council of war. Both treasurers and council were made *accountable to the Commons.*" In the king's speech James states, " I leave it to yourselves to receive the money, and expend it by your " own Committees of both Houses that you may be the more secure." It is deserving of notice that considerable difficulty was felt in respect to the passing of this Bill in the Lords; and that before its enactment the opinion of the judges was taken. A protest appears to have been entered, but referring only to the privileges of the Lords, which were considered to be endangered by the peculiar enactments of the Bill. (26 May 1624.) Lords Journals, v. 3, p. 428.

9. Origin of appropriation ascribed erroneously by Clarendon to the Long Parliament.

9. There is no need, nor do I wish, to rely on precedents derived from proceedings in the Long Parliament. But it may be proper to remark, that a reference to the earlier precedents already quoted, proves that Clarendon was in error if he sought to raise an inference, that the principle of appropriation dated from those troubled times, and did not exist in the earlier periods of our history.

10. Sir G. Downing's clause of Appropriation in 1666.

10. On the 29th of April 1666, a most instructive and interesting precedent occurred: A Bill of Supply being in progress, Sir George Downing, one of the officers of the Exchequer, submitted to the Government and to the King, that the financial difficulties of the time, almost amounting to bankruptcy, could not be effectually remedied without the enforcement of a restraining principle as against undue applications of the public money. With a view of securing the application of the money voted for the public uses intended, Sir George Downing suggested the necessity of a clause of appropriation, which was introduced accordingly. It provided " that the money granted by this Bill of Supply " should be kept in the Exchequer distinct from all other monies, and issued " for setting out a fleet this summer, and paying seamen for this expedition, " and to no other use or purposes whatsoever." Notwithstanding the vehement opposition of the Chancellor Clarendon, this proviso was carried; the King being induced to continue his support of a measure distasteful to his tory advisers, by the prospect held out that if good faith in appropriations were maintained, credit would be restored, facilities of borrowing created, and the Exchequer of England would become the bank of Europe.

11. Supply appropriated separately for ships in 1695.

11. On the 11th of November 1695, a resolution of the Commons was passed, " That the supply for building ships be kept *separate*, *distinct*, and *apart* from all " other monies, and shall be appropriated for the building and furnishing of ships; " and that the account for the said supply shall be submitted to the Commons of " England in Parliament." This proposition was made by Sir Thomas Littleton in the following words :—" Let the supply for building more ships, be paid into " the

Grey's Debates.

" the Exchequer, and *be appropriated* to building ships, with penalties on the " officers of the Exchequer if the money shall be applied to any other purposes." Sir George Downing who, as has been already stated, was himself an officer of the Exchequer, and having long resided in Holland, well understood the principles of public credit, added, " If it (the grant) be appropriated with " penalties only, the thing will be done." Another member, Sir Thomas Mears, supported the same proposition, and stated that, " he shall have con- " fidence in the thing *when it is done*, because he has been *deceived*, and *would* " *not be so again*." Mr. Sacheverell, one of the most eminent men of the period, and who at the Revolution had the honour of being united with Lord Somers in the preparation of the Appropriation Clause, urged, " This was " no new thing, but was practised and done in the greatest kings' reigns, " Edward I., Henry IV., Henry VII., and Henry VIII." It is remarkable that such Parliamentary powers were asserted even in the reigns of those sovereigns who were most arbitrary in their systems of government, and most attached to their royal prerogatives. The fact was, however, that in such restraints they had a personal interest; they looked to the Parliamentary appropriation as a safeguard against the misappropriation of money by their Ministers, and relied upon the check of the Exchequer, as a protection to themselves.

12. Resolution in 1680, against advancing money to the Crown without Parliamentary sanction.

12. The vigilance of Parliament went further, and not only shielded from misappropriation grants voted for special uses, but likewise suggested precautions necessary to guard against the acquisition by the Crown of funds derived from other sources, the unauthorised expenditure of which would have been equally unconstitutional. On the 7th of January 1680, it was resolved, " That whosoever shall lend, or cause to be lent, by way of advance, any money " on the security of the purchase of the King's revenue, shall be judged to " hinder the sittings of Parliament, and shall be responsible for the same in " Parliament." This instance affords an example of the quickness of Parliament in perceiving, that upon its due control over the finances depended its other essential Parliamentary legislative functions. The public money was secured, in order that our civil liberties might not be endangered. This resolution may be perhaps considered as the origin of the prohibition on the Bank of England, from its very foundation in the reign of William III., against advancing money to the Crown without express Parliamentary authority.

13. Resolutions of 1711 and 1784, against misapplication of public money.

13. Again, the jealousy of Parliament extended further in order to guard against the misapplication of unappropriated public money. At a later period, 15th May 1711, it was resolved, that " applying any sums of unappropriated money or " surplusage of funds to uses *not voted or addressed for* by Parliament, hath been " a misapplication of the public money." On the authority of these precedents was founded the memorable resolution of the 12th of January 1784, " That for any person in the Treasury, Exchequer, or Bank of England, or " employed in payment of public money, to pay any money for sums voted in " the present Session, after prorogation or dissolution, if before the passing of " an Appropriation Act, appropriating the supplies to such services, will be " a high crime and misdemeanor, and a daring breach of a public trust, dero- " gatory to the fundamental privileges of Parliament, and subversive of the " constitution of this country." This resolution passed unanimously. No person dared to impugn it, even in those days of political struggle; and though the plan contained in the " Memorandum " is founded on a fatal concession of confidence to the Ministers of the Crown, it has not been possible to suppress the fact [page 3], that it is by limited grants of ways and means that the House of Commons is at all times enabled to prevent the Minister from dissolving or proroguing Parliament.

14. Appropriation Acts from 1688. Evidence of Hallam and Hatsell.

14. Repeated instances of Parliamentary control founded on mistrust have thus been shown from the earliest times; but it is to the Revolution of 1688 that we must look for the security finally given and assured to our public rights, through the medium of a distinct and unvarying Appropriation Act. " At that period," observes Mr. Hallam, " Parliament speedily improved on their original scheme " of a definite revenue, by taking a more close and constant superintendence " of the departments of the Navy, Army, and Ordnance. *Estimates* of the " probable

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" probable expenditure were regularly laid before them, and the *supply granted* " was strictly appropriated to *each particular service.*" The same events are recorded by Hatsell, whose authority and accuracy are vouched by Mr. Hargrave to be so unquestionable, as to have induced him, by the publication of the " Parliamentary Precedents," to desist from completing a tract on the appropriation and issue of public monies which Mr. Hargrave had undertaken. Hatsell's commentary is as follows: " This idea of appropriation, which was conceived origi- " nally only as a restriction on those who had the management of the public " revenue, was at the Revolution adopted in a much larger extent, and made " part of the new system of government then established for the better securing " the rights, liberties, and privileges of the people of this country." Mr. Hallam deals with the same question in the following words: " This great " and fundamental principle, as it has been justly considered, which affirms " that the money voted by Parliament is appropriated, and can only be " applied to, certain specified heads of expenditure, had been introduced" (or rather recognised and confirmed) " in the reign of Charles the Second, and had " been generally, though not in every instance, adopted by his Parliament; but " from the Revolution it has been the invariable usage. The Lords of the " Treasury, by a clause annually repeated in the Appropriation Act of every " Session, are forbidden, under severe penalties, to order, by their warrant, any " monies in the Exchequer so appropriated from *being issued for any other* " *service*, and the officers of the Exchequer to obey such warrant. This has " given the House of Commons so effectual a control over the Executive Power, " or, more truly speaking, has rendered it so much a participator in that " power, that no administration can possibly subsist without its concurrence. " Nor can the Session of Parliament be intermitted for a year without leaving " both the naval and military force of the country unprovided for. In time of " war, or in circumstances that may induce war, it has not been very uncommon " to deviate a little from this rule of the appropriation by the grant of a vote of " credit, which the Crown is then enabled to apply during the recess of Parliament; " and we have had too frequent experience that the charges of the public service " have not always been brought within the limit of the year's appropriation. But " the general principle has not, perhaps, often been transgressed without suffi- " cient reason; and the House of Commons would be deeply responsible to the " country if, *through supine confidence*, it should abandon that high privilege " which has made it the arbiter of court factions and the regulator of foreign " connexions. It is to this transfer of the Executive Government, for the " phrase is hardly too strong, from the Crown to the two Houses of Par- " liament, and especially the Commons, that we owe the proud attitude " which England has maintained since the Revolution, so extraordinarily " dissimilar to her condition under the Stuarts. The supplies meted out " with niggardly caution by former Parliaments to Sovereigns they could " not trust have flowed with redundant profuseness when they could *judge* " *of their necessity, and direct their application.* Doubtless, the demand " has always been fixed by the Minister of the Crown; and its influence has " retrieved in some degree the loss of authority; but it is still true that no " small portion of the executive power, according to the established laws and " customs of our Government, has passed into the hands of that body " which prescribes the application of revenue, as well as investigates at its " pleasure every account of the Administration." In these words of our best, because our most accurate and impartial constitutional writer, whose intellectual eminence is not more remarkable than his historical integrity, the high importance and close connexion between our financial administration and our civil liberty are unequivocally declared and demonstrated. The clause of appropriation introduced at the Revolution to enforce this principle, found a fitting and noble author. It was directed to be prepared by the Commons of England; it was framed by Lord Somers himself, and it was adopted as part of the great compact between the Crown and the people, to which we refer proudly as the basis of our matured and perfected constitution. It is founded on a wise mistrust, not on the increased confidence in Government on which the plan contained in the " Memorandum" depends.

15. Principle of Appropriation

15. The Legislature has not been contented with laying down general principles, or even passing special laws for the protection of our public money from misappropriation,

misappropriation, but, at various times, has enforced the principles laid down by adopting judicial and parliamentary proceedings against public servants charged with misappropriation. In the 10th of Richard the Second, Michael de la Pole, Earl of Suffolk, late Chancellor in England, was charged, "that where monies "had been granted by the Commons to be expended according *to the manner* "*desired by the Commons, and agreed to by the King and Lords, and not otherwise*, "yet these monies had been misapplied to other purposes." He was found guilty, imprisoned, and fined. In the 28th of Henry the Sixth, William de la Pole, Duke of Suffolk, Lord Steward, was charged with "misapplying the sub- "sidies to *other purposes than those to which the* Commons had granted them." He was sentenced to banishment for five years. Lord Danby was impeached, "For that the said Earl hath overthrown and violated *the ancient course and* "*constitution of the Exchequer*, by perverting the method of the receipts and "payments of accounts, and hath engrossed into his own hands the sole power "of disposing of almost all the King's revenue, laying aside the Chancellor, "Under Treasurer of the Exchequer, and other officers, whereby the usual and "safe government of His Majesty's affairs relating to his revenue, and all "checks and controls are avoided." It is true that this impeachment was dropped on grounds which have been variously represented; but the articles in this and in other cases are here referred to in proof of what was considered by the House of Commons as an offence, and not in reference to the guilt or innocence of the party charged. Lord Danby was, however, again impeached in 1678, but being pardoned by the King, the Commons resolved that the pardon so granted was void, and could not bar judgment upon impeachment. Danby, though not brought to trial, continued imprisoned in the Tower till bailed by Judge Jeffreys. In 1680, Sir Edward Seymour, the Treasurer of the Navy, was impeached on the following specific articles:—"That whereas 584,978 *l.* was appropriated by Act of "Parliament for the building of thirty ships of war; and it was enacted that the "Treasurer of the Navy should keep all monies paid on that account distinct and "apart from other monies, and should issue the same by warrant of the principal "officers and commissioners of the navy to *the said specified use, and to no* "*other whatever*, the said Sir Edward Seymour, being Treasurer of the Navy, "contrary to his duty, hath *lent* 90,000 *l.*, part of the sum aforesaid, towards "the support and continuance of the army." Sir Edward Seymour was committed to the custody of the Serjeant-at-Arms; but Parliament was dissolved, and the case does not appear to have proceeded further. It is here material to remark, that the charge advanced against Sir Edward Seymour was that of lending monies appropriated for one public service, the Navy, to the use of another public service, the Army; and that, in the judgment of the Commons of the day, this act was considered and dealt with as being an impeachable offence. Stronger evidence cannot be offered of the strictness with which specific appropriations to particular services were sought to be enforced.

enforced by impeachments, &c.

16. It is true that, during times of war, a looser principle was occasionally permitted to prevail, and obtained a Parliamentary sanction. This was the case during the wars in the reign of Anne; but a stricter system was resumed after the Treaty of Utrecht. Another example is to be found in 1734; when the House of Commons resolved, after voting the supplies, "That the King be empowered to "apply such sums towards the augmentation of his forces by sea and land as shall "be necessary, and as the exigencies of his affairs may require." Similar votes had been adopted on the 12th of April 1727, and on the 17th of May 1734; but although this course was adopted in a Parliamentary manner, the House of Lords entered protests against it on constitutional grounds. The following is an extract from the protest of 1727:—"Dissentient, Because this clause is "inconsistent with that part of the Bill which forbids the supplies to be issued "for any other purposes than those specified, and renders ineffectual that "*appropriation of the public money which the wisdom of many Parliaments hath* "*thought* (*and which we are convinced ought to be thought*) *a necessary security* "*against the misapplication* of it." The protest in 1734 was to the following effect:—"Dissentient, Because the appropriating clause of this Act is, in fact, "the non-appropriation of all the money that has been raised this year, and "*puts it in the power of the Minister to divert any of the supplies to other pur-* "*poses as he shall think fit.* Because, appropriating clauses were introduced to "prevent the secret ill-use of public money, and every tendency of breaking

16. Occasional but exceptional relaxations of strict appropriation.

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" through them, is a just foundation for Parliamentary jealousy and inquiry. " Because, this new method of unappropriating money raised for particular uses " frustrates and eludes the wisdom and caution of Parliament in the original " grant of those monies, which is always in consequence of estimates laid before " the House of Commons, *and for services specified*." It is to instances of this description, as well as to their legitimate consequences, votes of credit, that Mr. Hallam alludes in the passage cited already, section 14. But surely no accurate reasoner will refer to these exceptional acts, approved of and sanctioned by the Legislature, as justification for a loose application of the public treasure, not only without such sanction, but contrary, as will be shown, to express statute.

17. These historical proofs conclusive against the principle of confidence in Government.

17. It may, perhaps, be suggested that in referring thus minutely, and at such length, to the principle of appropriation, I am defending a proposition which is not contested. I may be told that the Memorandum does not propose to abandon the appropriation clauses of Lord Somers, any more than the Bill of Rights. But the Memorandum condemns and rejects all antecedent checks on the issue of public money, relying on a subsequent audit and a correct system of accounts exclusively. Even the Votes in Supply, the Appropriation Act, and Royal Orders, are described (p. 6) as being *parts of "a formal routine, " imposing no check whatever on the Government, except* that the Ways and Means " be not exceeded." The chain of historical evidence undeniably proves that a previous and stringent appropriation, often minute and specific, has formed an essential part of the British constitution. If it shall appear, when the plan now recommended comes under consideration, that while it may nominally preserve the form and outward appearance of the constitution, it sets aside its principles, and abandons all its control, it is absolutely necessary that we should keep in mind what our constitution still requires and commands, that we may compare the time-honoured principles of freedom with that doctrine of " Confidence in the Government," on which we are invited to legislate. I have referred to our historical authorities advisedly, because the whole train of precedents furnishes conclusive evidence against the cardinal doctrine of the framers of the plan before me, that confidence in the Government ought to be the foundation of our financial system, and that an audit, not completed till two years after the expenditure, together with an improvement in our public accounts, furnish a sufficient check against abuse. On the contrary, I consider it to be clearly shown by the historical review which I have taken, that jealousy and mistrust are constitutional feelings ; that penalties and criminal proceedings, where required, have been resorted to in protection of the public interests, and in a wise suspicion of the acts of the Executive Government; and that the application of a preliminary check upon issues is an essential part of our constitution. In a further part of this paper I shall proceed to show, as I admit I am bound to do, that the novel system recommended in the Memorandum, fails altogether in giving effect to any real principles of control and appropriation, amounting, indeed, to their entire rejection and abandonment.

18. Principle reaffirmed in the last Appropriation Act, of 1857.

18. As closing this branch of the subject, and showing how the spirit of Lord Somers' clause is still kept alive on the statute book, it is sufficient to transcribe the clause which forms part of the last annual Appropriation Act passed (20 Vict. c. 20): " The said Aids and Supplies provided as aforesaid, shall *not be issued " or applied to any use, intent, or purpose whatsoever, other than the uses, intents, " and purposes* before mentioned" (that is for the Votes in Supply, as recited in the Appropriation clause), " or for the other payments, appropriation, or " application directed to be made or satisfied thereout by any Act or Acts or " clause or clauses for that purpose contained in any other Act or Acts of " this Session of Parliament."

Is it possible to read words more simple and distinct for carrying into effect the principles laid down in the precedents set forth in this paper?

II. CONTROL OF PARLIAMENT OVER THE ISSUES, DETERMINING THEIR LEGALITY, EXERCISED BY THE EXCHEQUER.

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1. Parliamentary appropriation ineffectual, without a preliminary control over issues of public money.

1. ASSUMING that the present state of the law is effectual in prohibiting the levy of taxes or other impositions without Parliamentary authority, assuming further, that the principle of a Parliamentary appropriation is recognised in our Votes of Supply, and strictly laid down in the Appropriation Act itself, still, however indisputable may be the import of the laws provided for these purposes, our financial system requires as a further check that there should be imposed specific restraints upon the actual issues of public money, sufficiently strong to guard effectually against evasion or violation. This is admitted in the "Memorandum" (page 4). After reciting the dangers to be apprehended if the Ministers of the Crown possessed an uncontrolled power of applying the public revenue, and of carrying on the Government without legal authority after dissolution or prorogation of Parliament, the Memorandum proceeds as follows: "If we admit this extreme case to be possible, a check on the issue "of public money seems to be indispensable in order to give effect to the control "which it is the design of Parliament to exercise by a limitation of its grants. "*This check has been provided by vesting the power of issue in an independent "office, the Exchequer.*"

2. Functions of the Exchequer.

2. Here it is necessary to turn aside for the purpose of describing what are the legal functions of the Exchequer, functions which it will be shown have in some cases been overlooked, and in others mis-stated by the writer of the Memorandum. That Memorandum describes those functions imperfectly. It omits any distinct mention of the most important duty of the Exchequer, that on which its efficiency wholly depends, namely, its absolute authority to refuse to make, or permit any issue of public money to be made, unless first satisfied of the legality of the orders received from the Treasury. No authority of a similar kind is vested by statute in any other public department; and it is this absolute authority alone which enables the Exchequer effectually to resist the commands of the Crown and its Ministers, until first satisfied of their strict legality, thus securing a conformity between the issues and the Parliamentary grants as appropriated, and preventing any issue in excess of any one of those grants.

Duties of the Exchequer, described by Hatsell.

Mr. Hatsell's description of the powers and duties of the Exchequer are as follows: "The Exchequer, who issue the money brought in from duties and "taxes to *the services voted by the Commons, are obliged*, in their issue for any "particular service, *to attend to the credit which that service has with the "Exchequer* at the time of issuing the money, and to be careful that they are "justified by the Votes of the House of Commons for the payment *on that head "of service.*" (*Hatsell*, Vol. 3, p. 185.)

3. Powers of the Exchequer, described by the Commission of 1831,

3. These essential powers of the Exchequer are also described in the following words by the Royal Commissioners of 1831: "The Exchequer is the great con- "servator of the revenues of the nation; it does not exercise any authority over "the administrative departments of receipt, nor over the departments of pay- "ment any further than *to guard against the illegal appropriation of any portion "of the public income.* The constitutional functions of its officers, who hold "their situations for life, are to provide for the safe keeping and proper appro- "priation of the public monies which are vested in its name and deposited in "its care, until issued under the authority of Parliament for the services of the "State; *and it is armed with a power of denying its sanction to any demands "upon it for the issue of public money, from whatever Minister or department "they may be made, unless those demands are found in accordance with the deter- "mination of the Legislature.*" These extraordinary powers are vested in the Comptroller-general, as a Parliamentary officer responsible to both Houses, liable to impeachment, as well as to dismissal from office, by their joint address. It is this Parliamentary duty and Parliamentary responsibility alone that can

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justify the grant of the extraordinary authority with which the Exchequer has been immemorially entrusted. But without such power it is obvious that it would be delusive and visionary to anticipate the exercise of an effectual power of restraint over the action of the Executive Government. The powers of the Exchequer thus described are the prescriptive powers of the office, neither withdrawn nor diminished by the Act of 1834, but which, on the contrary, then received a new sanction, by confirmation after a deliberate inquiry,—all the former authorities, whether existing by law or usage, being transferred to the Comptroller-general. This enactment is strictly in accordance with the following recommendations of the report: "We are decidedly of opinion that the most "efficient restraint upon the Crown and its Ministers, should be preserved and "maintained in every plan for reforming the existing system * * * that "no appropriation of the funds received shall take place under any circum-"stances, however urgent, without such sanction as shall be a real guarantee "to the public for the legality of the appropriation."

and in the Act of 1834.

4. Exchequer control did not originate in 1834, but antecedent control continued and confirmed.

4. It should be borne in mind, that the suggestions made and inferences drawn with much dexterity by the authors of this Memorandum, to show that these restraints originate in the Exchequer Act of 1834, are contrary to all historical evidence and legal authority. It is "the *present system* of Exchequer control "as established by the Act of 1834," which they affect to blame. But the functions complained of, namely, an antecedent control and appropriation, had existed time out of mind. The conclusive declaration of the Royal Commissioners has been already quoted. Nor were the Commissioners less earnest in their determination that the same peremptory control which had been by prescription exercised from the earliest times, should be undeviatingly maintained under the new system. "We are decidedly of opinion," they observe, "that the most efficient restraint upon the Crown and its Ministers should be "preserved and maintained." The declarations of Sir James Graham, who introduced the 4th & 5th of Will. IV., c. 15, are too important not to be repeated here. "The highest function of the Exchequer," he observed, "is "that of control. The Comptroller-general has to execute the duties now per-"formed by the Auditor, Clerk of the Pells and Tellers, to see that all payments "made are sanctioned by the Acts of the House of Commons. *The measure* "*will give an effectual control over the Executive as regards the future expendi-*"*ture.* Before any check or draft is issued or paid, the warrant of the Comp-"troller-general should be received; and the Treasury warrant must recite the "Act or Vote of Parliament sanctioning such payment. The Comptroller-"general will have to see whether the money advanced or expended comes "within the provisions of the Appropriation Act, or the authority granted by "Parliament."

5. Now proposed to be abolished, and no similar authority substituted.

5. It is now proposed to abolish this system of control, described by a competent witness, the Right honourable Henry Ellis, to have been "at "least coeval with the Norman Conquest, and from its earliest institution to "have been looked upon as a check upon the Treasury, and a protection to "the King as well as to the subject, in the custody, payment, and issue of the "public money." The abolition of the Exchequer is recommended without the substitution of any authority entrusted with the same power and prerogative.

What evidence to justify this change?

I venture to ask respectfully, whether these principles of constitutional control are now to be abandoned, and whether the evidence taken before the Committee on Public Monies, showing the present system of issue by the Paymaster General is such as to satisfy the Representatives of the people of England that full confidence may be placed in the result of such change of the law, and in the abandonment of the existing check?—Do the issues of public money take place at the present moment, in such a manner as to entitle the Pay Departments to ask for such unreserved confidence?—Is the existing law now obeyed by them, or is it not openly set aside? It is admitted that by the Exchequer it is strictly obeyed.

6. Practice of Exchequer control.

6. It will most probably be alleged, that the Exchequer system, however well intended by its framers, is in practice shown to be ineffectual. Before replying to this assertion, it is necessary to repeat that under the present law, the control of the Exchequer is applicable exclusively to the transactions which take place within the Exchequer itself, for the purpose of preventing improper issues

issues of public money, that is, either grants in excess, or unduly appropriated. So far as this duty is concerned, it is not denied that it has been effectually performed. The Memorandum itself, (p. 4) after stating that it was the design of Parliament to give effect to a control upon the issues of money by a limitation of its grants, proceeds to state, that "*this check has been provided by vesting the power "of issue in an independent office, the Exchequer;*" and adds, that "*so far as the "cash derived from the accruing revenue is concerned, the present system provides the "required check against the issue of money in excess of Ways and Means provided "by Parliament for carrying on the public service.*" Mr. Anderson states [1041.] "The Exchequer refusal of an issue is a control upon the first issue." [1035.] "The control now exercised by the Exchequer is the utmost you can "have." [1036.] "It prevents the issue of any sum of money under a Vote "larger than the amount of the Vote sanctioned by Parliament." No attempt has been made to prove, no suggestion has been thrown out, that this duty has been neglected by the Exchequer at any time during the 23 years since the Act of 1834. The issues of public money during that period have exceeded the enormous sum of 1,676,230,000 *l.*, including Exchequer Bills and bonds. One single instance only can be shown of an issue inadvertently made by the Exchequer, exceeding the Parliamentary grant or the Legislative authority; this irregularity originated with the Treasury. (Report Public Monies, App. p. 699.) Neither does it appear that any single case of delay has occurred, during the same 23 years, in making provision for the public service. If, indeed, as is insinuated in the Memorandum, the fire at the printer's in Fleet-street, which delayed for 11 days the issue of Exchequer Bills in the month of March last, is attributable to any defect in the present system, the assertion which I have made is liable to correction to that extent; but to admit any connexion between this fire and the present system, seems as irrational as to suppose the burning of the Houses of Parliament to have been produced by the Reform Act.

Duties of control admitted to have been duly performed.

7. In relation to the receipts of the revenue, the Exchequer is bound to receive and carry to a proper account all sums payable to the Consolidated Fund, or specially appropriated by statute. The proceeds of loans, of the sales of unfunded debt, and other funds of that description are generally, but not undeviatingly, so paid; these sums are placed to the account of the Exchequer at the Banks of England and Ireland, which accounts are operated upon exclusively by warrant from the Exchequer. On this subject a somewhat puerile distinction has been attempted to be drawn; it is suggested (Anderson, Q. 996.) that the public monies are no longer in the custody of the Exchequer, because they are now lodged to the Exchequer account at the Bank of England; but when it is observed that this Bank account is the account of the Exchequer alone, and that it is operated on exclusively by the warrants of the Exchequer, it appears unnecessary to notice this objection further. The Exchequer possesses no legal control whatsoever over the public monies till they are paid into the Exchequer; the redemption of hereditary pensions out of gross revenue has taken place not by any nonfeasance or misfeasance of the Comptroller-general, but because an accumulation of revenue in the hands of the officers of Excise and Post-office was sanctioned by command of the Treasury, thus interrupting revenue in its progress to the Exchequer, in order to apply it to a purpose unauthorised by Parliament. Had the revenue been paid into the Exchequer, in the usual course, the control of the Exchequer would then have attached to it, and been effectual; the unsanctioned transaction could not have taken place. Such commutation of pensions appears now to be unequivocally condemned by the recommendation of the Memorandum (page 10), given in the following words: "It is considered that there is no security that the Government may not order "payments unauthorised by Parliament to be made out of gross revenues before "they are transferred to the Consolidated Fund, and it is essential that no portion "of it should be arrested in its progress to that fund, from which alone it can "be issued and applied with Parliamentary sanction." It has been shown that the Treasury and not the Exchequer is exclusively responsible for these transactions, now unsparingly condemned. No additional check or power over the gross revenue is proposed to be vested in any new authority recommended in the Memorandum; no such authority could practically determine the amount of balances which it may be necessary for the revenue departments

7. Receipt of Revenue.

No Exchequer control over gross revenues.

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to retain. This is a question which must be determined exclusively by the Treasury. That the amount directed to be paid into the Exchequer account is actually paid, is shown by the Exchequer and Bank returns made to the Treasury, and, therefore, a perfect check at present exists on the accuracy and fidelity of these receipts. It is, however, an entire mis-statement to assert that "the Exchequer duty in reference to these receipts is one of mere book-keeping." (Memorandum, p. 10.) It is much more. It realises and enforces the principle that when the revenue is once placed to the Exchequer account, it can only be drawn out by the Comptroller, who, before the issue of one penny for the public expenditure, *is bound to satisfy himself that the issue required is made in conformity with law.*

8. Issues.

8. The "Memorandum" proceeds to consider in detail the several functions of the Exchequer in relation to the public issues.

Consolidated Fund Services.

It refers, first, to the issues for Consolidated Fund services. It is true as stated in the "Memorandum," that the majority of those charges are paid upon lists or schedules prepared periodically by the Treasury. Till the 5th of April 1854, a Treasury Warrant, reciting each separate charge on the Consolidated Fund, was uniformly transmitted to the Exchequer before the quarter-day upon which the charges became payable. This transmission allowed an adequate time for examination of the payments in question; such examination was regularly made, and the public business satisfactorily conducted. But in 1854 the Treasury, for the first time, arbitrarily withheld this warrant, and many difficulties have ensued in discharging these functions. The Comptroller-general's certificate of the excess or deficiency of income and expenditure can no longer be furnished; the consequent check on the amount of deficiency bills is no longer afforded. Unvaried usage was shown to have existed from the first passing of the Act of 1817 to 1854 in the transmission of these warrants. The claim of usage was objected to on the part of the Treasury, *although by law* "*all powers and authorities previously vested in the Auditor and Clerk of the* "*Pells, either by law or usage, are transferred to and vested in the Comptroller-*"*general of the Exchequer.*" All mention of this important fact is excluded from the "Memorandum"; but, on the other hand, to provide means for the performance of these functions after the proposed abolition of the Exchequer, it is directed that the account of the charge of the Consolidated Fund shall be verified by the Commissioners of Audit, and the amount of the quarterly charge made the subject of a certificate from them. This is in fact restoring the former practice which had been discontinued by the Treasury in 1854, and of the benefit of which the Comptroller-general has since that time been deprived. This recommendation also admits the necessity of a check upon the Treasury in future, a necessity which was denied when the Consolidated Fund Warrant was withdrawn by the arbitrary act of the Treasury.

Treasury Warrant of quarterly charges.

4 & 5 Will. 4, c. 15, s. 4.

In reference to these issues from the Consolidated Fund, it is remarkable that the "Memorandum" in describing the duties of the Exchequer should exclude all notice of the emphatic and significant words of the 13th Section, that "the "Comptroller is not to make the issue required until he shall have first satisfied "himself that the payments directed in the Treasury Warrant are duly authorised "by law." This suppression is the more remarkable, as this control raises the main question upon which the real power of the Comptroller-general depends.

Record of authorities for new charges.

No part of the duties of the Comptroller-general is more difficult or more important than those which relate to the charges on the Consolidated Fund. Before the Exchequer permits the insertion of any new charge, the warrant or other instrument creating the office or making the grant is called for, examined, and recorded, and it is only after such examination and sanction that the charge is allowed. Such had been the invariable and prescriptive usage of the Exchequer. It was first denied by the Treasury in October 1854. After a controversy which lasted till 13th June 1855, the opposition of the Treasury was at length withdrawn, the Comptroller-general having absolutely refused to make the issue without legal evidence to justify the grant, and having suggested an appeal to Parliament as an alternative. (*See* Public Monies Report, App. 9, p. 750; App. 7.) No mention whatever is made in the "Memorandum" of this efficient and important example of control, nor is any suggestion made for the future performance of these duties if the Exchequer be abolished. If they are to be cast on the auditors, the nature and extent of these services should

should be first most carefully considered, and full authority be granted to ensure their future performance.

Repayment of unexpended balances issued in excess.

The enforcement of a repayment to the Exchequer of balances of sums issued in excess, is another most important duty. If this is not done, balances of unappropriated monies will remain outstanding and may be applied at the discretion of the Treasury. This subject will be discussed in a separate part of this Paper.

9. Supply Services.

9. The next question relates to the Supply Services. The "Memorandum" professes to set forth the proceedings for issues made from the Exchequer in pursuance of a Royal Order. But here again is to be noticed the same extraordinary omission already observed upon in the case of the charges on the Consolidated Fund. No mention is made of the words of the 11th clause of the Exchequer Act, by which "the Comptroller-General is restrained from "obeying the Royal Order until he shall have first satisfied himself that the "said Royal Order has been made in conformity with, and has not exceeded "the amount of, the grant of Parliament." The "Memorandum," indeed, states that the Comptroller-general shall be authorised and required to place the sums so voted to the credit of the Public Accountant "*to be applied by such "officer to such service, &c., &c.;*" and it is under these latter words (&c., &c.) that the power and obligation of the Comptroller-general to refuse any illegal issues are concealed.

Royal Order.

Treasury Warrant.

The same observations apply to the description of the Treasury Warrant. The words (section 12) "the said Comptroller having satisfied himself that "the said warrant has been made in conformity with and has not exceeded "the previous Royal Order," are, as in the former case, altogether omitted.

Credits not to be transferred till payments actually made.

Nor does the "Memorandum" in its enumeration of authorities make any reference to the 14th section of the Exchequer Act, which directs that "in "cases in which any credit shall be granted to any person by the Bank of "England in pursuance of the Act, no sum of money shall be transferred from "the account of the Exchequer until the same shall be actually paid by the "Bank to or on account of the person to whom such credit shall be granted." If this clause were carried into strict effect by the authorities who are bound by law to observe it, the discrepancies now so strongly animadverted upon between the Exchequer accounts and the accounts of payments by the Paymaster would cease to exist. That this important clause was not lightly adopted by the Legislature appears by an alteration which took place in the Committee on the Bill, by which the words "*actually paid by the Bank to* or on account of "the person to whom the credit shall be granted" were substituted for the words in the original Bill, "actually *drawn for by* or on account of the person "to whom such credit shall be granted."

Daily return to the Exchequer of Bank payments.

Neither is any notice taken of the 20th section, which provides that the Governor and Company of the Bank shall be required to transmit from day to day an account of the several *payments actually made* by them in the course of the preceding day on account of the credits granted by the Comptroller-general.

Accounts of this description are daily rendered *to the Exchequer by the Bank;* but as it has been shown by Sir Charles Trevelyan's Memorandum, as well as by the evidence of other witnesses, that the daily payments are made irrespective of the credits granted, it is clear that the daily payments by the Paymaster-general are inconsistent with the accounts of the Bank, the Act of Parliament assuming on the contrary that they should coincide. Hence the Exchequer accounts to the Treasury, to the auditors, and to Parliament, are all rendered inconsistent with the unauthorised and illegal payments actually made.

10. Summary of authorities required for Exchequer issues.

10. The "Memorandum" gives the following summary of the successive steps, and the gradation of authorities required for the issue of a Vote in Supply:

1st. Vote in Supply, and provision in Ways and Means subsequently confirmed by the Appropriation Act.

2dly. The Royal Order of the Crown.

3dly. The Treasury Warrant founded upon the Royal Order, and delegating authority to the Secretary of the Treasury to direct issues.

 4thly. The

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4thly. The Secretary of the Treasury's Issuing Letter from day to day.

5thly. The Comptroller-general's Warrant for the required credit.

6thly. The Bank issue of the credit out of the general funds of the Exchequer.

These authorities described as "formal routine," and "imposing no check."

I observe that these separate steps are described as being "a formal routine, "no check whatever upon the Government, save and except that an issue in "excess of the Ways and Means cannot take place." I had hitherto believed that the Vote in Supply and the Appropriation Act constituted the most authoritative checks upon the application of sums granted by Parliament. They are now designated as a formal routine. I had believed that it was thus our laws protected the privileges of the popular branch of our constitution and the authority of the Legislature. I had believed that a Royal Order asserted the principle of our monarchy as fully in respect to the issue of sums voted to the Sovereign, as is done by the sign manual in all other cases—in the assent given to laws, in appointments to commissions, in summoning and dissolving Parliaments. Yet this, too, is now discovered to be but a formal routine.

It is also stated that the Exchequer Warrant imposes no restraint on the Government, with the exception already noted. The evidence before the Committee, from page 633 to 758, App. 9, is a sufficient reply to this wild assertion. It is by suspending or refusing the Exchequer Warrant that the Exchequer control is maintained. That control has been exercised successfully in above 100 cases, and the Exchequer check has limited the issue and directed the appropriation of every grant made during 23 years. It is indeed incomprehensible that the force of this check and its very existence should now be denied.

Different opinion of Mr. Anderson in 1841.

I refer to earlier declarations of a different character. The enumeration in the Memorandum of the various steps taken for the issue of Supply Services is as follows:—(1) The Parliament, (2) the Crown, (3) the Treasury, (4) the Exchequer, and (5) the Bank of England. It is difficult to consider how the financial government of a constitutional monarchy can be carried on without the intervention of these authorities. On the 24th of January 1841 a most important report was made by Mr. Anderson to the Treasury on the subject of the Army Accounts, in which all these several authorities are considered. It contains the following passages (Sessional Paper, No. 160, pages 27, 28):—

"The supply for Army Services having been granted to the Crown, a Royal "Order either for the whole or a portion of the grant is obtained, to authorise "the Exchequer to issue, from time to time, to the Paymaster-general on special "warrants from the Treasury, the sums which may be required to pay Army "Services. * * *

"In order to preserve a connected record of the course of the army grants, "it is *indispensable that the following progressive steps be noted in their proper "order*, and under the proper accounts in the books:—

"1st. The Exchequer must be charged with the full amount of the grant of "Parliament for Army Services, and be relieved from time to time by the "amount of the issues to the Paymaster-general.

"2d. The Paymaster-general must be charged with these Exchequer issues, "and be relieved by the amount of his final payments and of his advances to "the colonels."

"3d. The colonels, as the responsible parties, must be charged with the "amount of these advances, and be credited for the amount of their final pay-"ments, and of their advances to the paymasters.

"4th. The paymasters must be charged with such advances, and have credit "for the final payments; and

"5th. The Votes must be charged with these and all other final payments.

"*If the record of any one of these changes in the position of the Army funds "be omitted in the books of account, and the connexion between the grants of "Parliament and the final expenditure of the money be anywhere broken, "the chain of evidence will be incomplete, and the system of account consequently "imperfect.*"

Such

Such was the opinion formed and officially given by Mr. Anderson, 16 years back, and no objection was then taken by him to the present mode of proceeding. On the contrary, it is stated that the progressive steps therein specified are indispensably necessary to be noted in their proper order, and under the proper accounts in his books. No statement is made of the impossibility of keeping the accounts, if founded on the Exchequer credits, but the very reverse. Indeed, it is obvious that it is on the Exchequer credits alone that the payments can be justly chargeable, as they constitute the only legitimate fund out of which his payments can properly be made.

That this gradation is indispensable.

It will be seen that only one of the forms complained of, namely, the Exchequer Warrant, issues from the Exchequer itself, yet the whole is described [page 9], as being "the so-called constitutional control of the Exchequer, with its "cumbrous, antiquated, and unmeaning forms." It has been already shown that the constitutional control of the Exchequer is admitted ["Memorandum," p. 4], to be effectual in preventing any issue beyond the Ways and Means voted. "The cumbrous, antiquated, and unmeaning forms of the Exchequer" were abolished for ever by the Act of 4 & 5 Will. 4, c. 15, in accordance with the recommendations of the Royal Commissioners of 1831. Not one of these ancient forms is now subsisting, and no account or document is at this day issued by the Exchequer that has an earlier origin than the year 1834.

"Cumbrous, antiquated, and unmeaning forms" of the Exchequer abolished in 1834.

11. It is far indeed from being my intention to suggest that the issues of public money are now conducted in a manner either creditably or satisfactory to the State. But it is not the Comptroller-general that is responsible for this result. His duty is to guard against excess of issue, or against an issue without legal appropriation; that duty is strictly performed. The issues are made to the public officer authorised to receive them. The specific purpose for which they are issued is stated on the face of the warrant. The party receiving them is bound, by the words of the 4 & 5 Will. 4, c. 15, to apply them to the purpose for which they are issued, and by the words of the Appropriation Act such party is prohibited from applying them to any other use. If such misapplication does take place, it is evidently the party who has received, and not the Comptroller-general who has issued the amount of a vote or grant, who is responsible to Parliament and the country for such misapplication. Mr. Anderson states as a reason for the alleged ineffectiveness of the Exchequer check, "That though it prevents an issue beyond the total amount of the grant, yet not "being able to follow that amount, it does not see to the appropriation of the "issues" [1030]. In a subsequent answer [1074], the same witness adds, "The "Exchequer check is of little value, because the money issued for one service "may, as a *matter of necessity*, be paid for another, therefore the check is not with "the Comptroller-general, but really with the Paymaster." From the evidence it is obvious that the duties allotted to the Exchequer for guarding against undue issue or misappropriation are strictly adhered to. The existing irregularities are attributed by Mr. Anderson [1032] to the state of the law, which does not authorise the Exchequer to see to the application of the money issued. This is scarcely an accurate description of the case. It is not the law, but the open and continual violation of that law by the Treasury and Paymaster, which produces these irregularities. The same witness states, that the Exchequer check is ineffective, because the money issued for one service may, as a *matter of necessity*, be applied to another. This again hardly describes the whole truth. These irregular proceedings are by no means confined to cases of necessity. This admission is made in the following much more general terms by Sir C. Trevelyan [Memorandum of 1848, Appendix No. 1 to Report of Public Monies, sec. 13, page 508]: "The Paymaster-general and Paymaster of Civil "Services *habitually* use money belonging to one head of service, in giving "advances for other services *in the ordinary transactions of the daily business* "of their respective departments." This cannot be held as describing *cases of necessity only*. This practice I officially denounced as illegal in the Memorandum laid before the Chancellor of the Exchequer on 10th February 1854. I now repeat the same protest. This misapplication of voted monies, admitted by Sir C. Trevelyan to have taken place, and admitted by Mr. Anderson to have counteracted the Exchequer check, is contrary to direct statute.

11. Present mode of issue unsatisfactory.

From subsequent illegal misapplication by the Paymaster.

In proof of this proposition, I refer to the stringent words of the Appropriation Act: "The said Aids and Supplies shall not be issued to any use, intent, or "purpose

Contrary to the Appropriation Act.

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"purpose whatever, other than the uses, intents, and purposes before mentioned. I also refer to the following clause, 4 & 5 Will. 4, c. 15, s. 11: "The "amount of the sum so granted and voted shall be placed by the Comptroller-"general to the credit of the Public Accountant, in the respective branch of ser-"vice, in such proportions as the Treasury shall direct, *to be applied by such "officer to such service.*" By s. 14 it is enacted, "That no sum of monies shall "be transferred from the account of His Majesty's Exchequer, until the same "shall be actually paid by the Bank to or on account of the person to whom "such credit shall be granted;" and by s. 20, the Bank is "required to trans-"mit from day to day to the Comptroller an account of the several payments "actually made by them in the course of the preceding day on account of the "credits granted."

Obligation of adhering to Exchequer appropriation continued to Paymaster.

It is to me clear, that the specific appropriation in the Exchequer Warrant is continued to the Paymaster or other Accountant receiving such issues. Every such issue is made under that direct trust, which cannot be set aside by applying such monies, not to such services, but to other services, without a flagrant violation of the law.

Under any circumstances it would indeed be most irrational to attribute to the Legislature the unexampled absurdity of fettering by strict rules of appropriation all issues made by the Comptroller-general, and yet releasing from such rules of appropriation the Paymaster and other accountants so soon as the monies thus legally issued are placed to their account.

Another observation may here be made. If the Paymaster be justified in transferring issues from vote to vote at his own discretion, and making this, in the words of Sir Charles Trevelyan's Memorandum, "the daily practice of "his ordinary transactions," the provisions of Sir James Graham's clause, by which in peculiar exigencies and fenced by special formalities, the great departments, with the consent of the Crown and of the Treasury, are permitted to apply excesses of votes in aid of deficiencies, but within their own departments only, become a mere delusion and a farce. If the Paymaster be justified in making such transfers in all cases by his own authority, according to the present practice, the Parliamentary permission to do so in exceptional cases is worse than surplusage; it is a deception.

12. Duty of Exchequer control advisedly severed in 1834 from duty of payment.

12. The Exchequer is not, nor was it intended to be, charged with the duty of making payments in detail, nor with the power of investigating the detailed application of monies issued by the Paymaster. These powers are not conferred by law upon the Comptroller-general. Nor was this an accident in the framing of the Act of 1834. The clause of the Exchequer Report recommending the establishment of a separate Pay-office, through which all payments to individuals were to be made, concludes in these words: "In this way the "functions of the Exchequer will be confined, as we think they ought to be "confined, with respect to the application of the public money in its custody, "to giving credits only under the authority of the Crown in pursuance of the "directions of the Treasury."—(*Exchequer Report*, s. 99, page 464.)

Sir James Graham, also, in introducing the Exchequer Bill, alludes to "the "great principle of severing the duty of payment from the duty of control."

If the Exchequer Act is not more distinct in providing against the misappropriation or intermixture of votes, and enforcing its prohibition by penalties, this probably arises from the fact that no individual in 1834 could have anticipated, on the part of the executive pay offices, such an entire disregard to the law of the land as that which is now avowed habitually to exist.

13. Exchequer control now alleged to be a "delusion," was deliberately affirmed by the Treasury in 1848;

13. It will be shown hereafter that the present system of Exchequer credits, the payments of money abroad, the supply for the chests, imprests, and advances, and repayments from different branches of the service, can be so conducted as to maintain the principle of appropriation and control. Such I am entitled to think was, and must have been, the opinion of the Treasury in 1848. If all the objections stated in the "Memorandum" (page 4) really exist, they could not but have been discovered in 1848 after 14 years' experience. But at that period, so far from considering the provisions of the Exchequer Act to be "a delusive "theory, more calculated to impair than to strengthen legitimate control," the Treasury by their amended Minute of 22 December 1848, announced to the various departments of the Government, as well as to both Houses of Parliament,

ment, that "the constitutional check exercised by the Comptroller-general of "the Exchequer upon the issue of public money under the provisions of the "4 & 5 Will. 4, c. 15, should be in all respects maintained" and at the same time formally declared "that the departments of expenditure were restrained "from applying any part of one specific grant in aid of another specific grant." (*App. to Report Public Monies, p.* 536.) Appendix, No. 3.

I therefore confidently appeal from the rash assertions contained in the Memorandum, to the deliberate judgment of the Treasury itself, pronounced in 1848, and announced as such to Parliament.

When I proposed a declaratory clause in the Bill for the consolidation of the Paymaster's office, on the 11th of August 1848, to guard against the possibility of issuing or paying any sums to any uses other than those to which they were made specially applicable, and appropriated by law, the Duke of Wellington, in urging me to withdraw such a clause, treated the practice against which it was my object to guard, as one which could never be introduced or tolerated by a British Government. Yet it is that very practice then publicly declared to be impossible, which is now openly avowed, justified, and sought to be perpetuated. And by the Duke of Wellington.

14. Another unsatisfactory incident in the present mode of issue may here be noticed. The vote for Army and Navy is issued, as I consider, upon an objectionable principle, though, according to the opinion of the law officers, that principle is legal, and it is sanctioned by the direct words of the Appropriation Act, and by antecedent usage. The Army issue is made under one general head, including Militia and Commissariat. An attempt was made so to consolidate these Army Votes, as to unite with the provision usually made for the *personnel* of the army the Vote for Works and Stores, formerly included in the Ordnance Estimates. Thus, during the late war, the estimated sum of 34,000,000*l.* which was applied for, might have been placed at the discretion of a single Minister, and might have been used indiscriminately for all Army Votes, if the Treasury authority had been first obtained, under Sir James Graham's clause in the Appropriation Act [*vide* 19 & 20 *Vict. c.* 105, *s.* 30]. The House of Commons successfully resisted this attempt to limit the principles of Appropriation, and the proper distinction was recognised by an amendment made during the progress of the Bill. Other attempts of the same kind had been made in Parliament at different times, as in July 1846, when four inconsistent grants were consolidated into one vote. In one instance the inconvenience of this course, though the Vote had already been assented to by the House of Commons, was pointed out to the Treasury by me. (Report Public Monies, Appendix, p. 682.) The objection which I stated was frankly admitted by the Treasury, and the error was corrected in the following Appropriation Act. A similar occurrence took place in July 1849 with reference to a sum of 702,523*l.* for prisons, transportation, convicts, and similar purposes, at home and abroad. (Report Public Monies, Appendix, p. 549.) The Chancellor of the Exchequer promised in the House that the vote should be re-arranged in the course of the next year, and the different classes of expenditure placed under their different heads. This promise was faithfully performed. It appears from these facts, that at any time when Parliament is desirous that the issues of appropriation should be made more distinct, they possess the full means of doing so by subdividing their votes in Supply and in the Appropriation Act, so as to give a more minute analysis of the sums granted, and to require an Exchequer sanction for each. For example, if it is considered expedient that the Militia Vote should be, as it ought to be, severed from the general vote of the Army, so as to preclude the application of sums voted for the one to the purposes of the other, even with the consent of the Treasury, a simple amendment in the Appropriation Act will produce what would be found to be no less a constitutional than a financial improvement. I very much fear that the changes contemplated may be in another and less constitutional direction. Mr Anderson states, that "the whole of the detailed "votes are so numerous now, that they extend far beyond what they ought to "do. I think that they ought to be revised. They are split now into about "200 distinct votes. I think that the first step should be to classify the "Estimates better, and *reduce the number of votes.*" (Question 1427.) The House of Commons have in these words a fair warning of what may be attempted hereafter in diminution of their privilege of controlling the public expenditure. 14. Objectionable consolidation of Votes for distinct purposes.

15. As to the Comptroller-general's suggestions for improving the present system.

15. In my evidence before the Committee (3120 and 3128) it was suggested that I should state in writing how the Office of the Exchequer could be made more effectual than at present, and I expressed my willingness to do so if required as a Parliamentary officer, and responsible to Parliament. I should willingly prepare any statement which may be called for to this effect by the Committee. In the reference which has now been made to me, I am only asked for my observations upon the proposed plan, and am not required to suggest any substitute with the view of improving the present system and rendering it more effectual. I am unwilling to obtrude any uncalled for opinion of my own; I therefore do not volunteer the suggestion of any plan of the nature pointed out in the evidence of 1856; but I may be permitted to say that no system, however perfect, can be relied upon as a practical check if there be a declared and persevering effort made to evade its provisions and escape from its restraints. The trial-plates for the security of the public coinage are placed in my custody, and secured by double keys, one of which is in the charge of the Treasury. This double responsibility may be considered as an adequate check; but if the door be broken open, or a false key obtained, the joint vigilance of the Treasury and of the Exchequer, however strict, will not avert danger. I have protested against the present system of dealing with public money after it has been specifically issued by me according to law and Parliamentary appropriation. I have referred to evidence establishing the facts of which I complain. I have respectfully entreated the opinion of the law officers to be taken in order to determine the legality of the practice, if any possibility of doubt on the subject exists. From the year 1854 to the year 1857 this request has not been complied with. I much fear that whatever may be the system ultimately adopted, unless it is administered with a due regard and strict adherence to the law of the land, it is but vain to expect that any reform can be effectual.

No check can avail unless the law is obeyed.

16. The Exchequer check is proposed to be abolished by the very departments who have illegally disregarded its restraints.

16. The remedy proposed in the "Memorandum" is to abolish the check of the Exchequer, which it is admitted has been effectual in preventing any issue beyond the Ways and Means voted by Parliament, and to place unlimited confidence in the very departments which have disregarded all the principles of Parliamentary Appropriation. By those very departments the Exchequer is charged with having failed to prevent a misappropriation which is the result of their own unsanctioned practice. As justly might an increasing mortality be complained of by those who had themselves poisoned the wells.

III. THE NECESSITY OF A CONTROL OVER THE ISSUES OF PUBLIC MONEY ILLUSTRATED BY EXAMPLES.

1. Allegations of Exchequer control being "delusive" tested by examples.

1. The existing Exchequer control upon the issues is described ("Memorandum," p. 4) as being "a deception upon the public; an imaginary control; a "delusive theory, more calculated to impair than to strengthen legitimate "control; a duty which it is manifestly impossible for the Exchequer to dis-"charge." The best mode of testing the truth of these somewhat unmeasured assertions, is to refer to some of the cases of control which have actually occurred, so as to judge whether they come within these definitions. At the same time it must be obvious that the benefits of a system of restraint is but imperfectly measured by the results of cases of actual interference. A consciousness of the existence of a power of prohibition tends of itself to avert the necessity for its exercise. The use of man-traps and spring-guns was shown less by the number of trespassers wounded than by the number of gardens protected from trespass.

2. Occurrence not of two cases only, as suggested by Sir C. Trevelyan, but of numerous cases, referred to.

2. In one of the papers laid before the Committee on Public Monies in 1856, p. 509, Sir C. Trevelyan referred to two cases of Exchequer control between the date of the appointment of Lord Grenville as Auditor of the Exchequer, and the present time, as the only instances with which he was acquainted. In the papers laid before the Committee, on the contrary (page 633 to 758), upwards of 150 of such cases are stated, which have occurred since 1834, and in 43 cases the

the correspondence is given in full. Attention is respectfully invited to the latter detailed cases; but for the present it will be sufficient to allude to a few examples, two of which occurred previously to 1834, for the purpose of suggesting the inquiry, whether such instances of previous control over the issues and appropriation of the public money were not in themselves important, as well as constitutional; and, secondly, whether such control could take place under the system recommended in the "Memorandum."

3. Examples: Issues refused during incapacity of George III. in 1811.

3. The first of these instances occurred under the administration of Mr. Perceval. In January 1811 a warrant, signed by the First Minister, and four Lords of the Treasury, was addressed to the Auditor of the Exchequer, requiring an issue of 500,000 *l.*, for which issue no authority from the Crown had been produced according to the accustomed course of the Exchequer. To the execution of this warrant Lord Grenville demurred, the incapacity of George the Third being at that time declared. He declined to make the issue. Lord Grenville prepared a case for the opinion of the law officers of the Crown, Sir V. Gibbs and Sir T. Plumer, and he transmitted it through the Treasury, "in order that he might have the sanction of their legal advice and authority in a matter of such novel and unprecedented difficulty." This request was made on the 1st January. On the 2d, the opinion of the law officers was given, and, without the delay of an hour, was transmitted by the Lords of the Treasury to Lord Grenville. By Mr. Harrison's letter of the 2d of January, the Lords of the Treasury urged, "That their warrant should be forthwith complied with; "and added, that they are consequently ready to take upon themselves the "responsibility of any act essential for that purpose." On the 3d of January Lord Grenville replied, that he "could not persuade himself that he could obey "those warrants without a breach of official duty in that point which is above "all others peculiarly obligatory on the person placed in the situation of Au- "ditor of the Exchequer, nor without a high and criminal violation both of a "positive statute, and also of the essential principles of our Monarchical and "Parliamentary constitution." * * * * Lord Grenville added, "I am "compelled to decline, but with all due respect to your Lordships, a compliance "with the requisition contained in those warrants to which this letter refers."

I here apply the two questions which I have suggested. Was this a case in which the veto of the Auditor of the Exchequer was rightly exercised? and, secondly, could this control be exercised under the system recommended by the Memorandum?

4. Russian Dutch Loan, in 1832.

4. My next illustration is likewise taken from the practice of my distinguished predecessor. It was the case of the Russian Dutch Loan, in January 1832, under the Government of Lord Grey. The Auditor of the Exchequer, Lord Grenville, having entertained doubts how far the separation of Holland and Belgium, which had occurred, precluded him from sanctioning an issue for the payment of dividends on the Russian-Dutch Loan, requested that the Treasury should obtain for him the opinion of the law officers "whether he would "be legally justified in directing such issue." The opinion of the law officers of the Crown, Sir Herbert Jenner, Sir T. Denman, and Sir W. Horne, was taken, and communicated to Lord Grenville. It justified the issue required by the Treasury; and, in a letter from Lord Grenville to Mr. Spring Rice, of the 25th January 1832, the Auditor, after reciting the opinion given, stated, "that the Exchequer could not interpret the King's engagements, or pronounce "how they are affected by subsequent events, and that as the legal and political "authorities have advised His Majesty to consider himself bound to continue "these payments, he could not err in determining to discharge his more limited "duty, by obeying their Lordships' orders in this respect." It was to the force of the legal opinion that Lord Grenville gave way, and not to a command from the Treasury, as erroneously stated by Sir C. Trevelyan. No such command was ever addressed to Lord Grenville by Lord Grey. (Q. 852, and App. p. 771-772.)

I again ask, was not this a fitting occasion for the prudent interposition of the Auditor? and how could such interposition take place under the proposed system?

5. Indiscriminate issue of Ways and Means for two Sessions of 1841, objected to.

5. A third instance to which I refer is that in October 1841. In this case Royal Orders and Treasury Warrants were executed for the indiscriminate issue of Ways and Means granted in the two Sessions of 1841. No Ways and Means had been granted on the 1st of October, the date of these warrants, and the

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Comptroller-general consequently felt himself precluded from obeying them. Following the precedent of Lord Grenville, he applied through the Treasury for the opinion of the law officers; that opinion was given by Sir F. Pollock and Sir W. Follett on the 15th of November. Those eminent men considered that though, they thought, the difficulty arose from a mistake in the wording of the Act of Parliament, yet that, as a question of law, this mistake could not be corrected except by Parliament itself, and not by the authority of the Treasury. This opinion fully confirming the Comptroller-general's previous judgment, he informed the Treasury, on the 17th of November, that he felt himself restrained from issuing the credit required by the Treasury on the 15th of October, and that, unless subject to the consent and sanction of Parliament, he could not but hold himself bound to govern his conduct by the legal interpretation given to the statute. No hesitation was shown by Sir R. Peel in admitting this objection. It is a sophism to represent this case, as a mere technical objection. It involved the constitutional question whether payments could be made except out of Ways and Means legally provided for the service.

Permit me again to ask whether the legality of issuing public monies under such circumstances does not constitute a case which justified the interposition of the Comptroller-general; and, secondly, how such interposition could effectually take place under the new system?

6. Issues objected to, no Ways and Means remaining unappropriated, in 1852.

6. On the 10th of June 1852, a demand was made upon the Comptroller-general to make issues upon upwards of 60 Royal Orders and Treasury Warrants. At the date of such warrant the Ways and Means already voted had been exhausted. The Comptroller-general objected to such issues, and referred the Treasury to the previous opinion given by the law officers of the Crown, upon which he felt bound to act. The validity of the objection was at once admitted by Lord Derby's government. The irregularities complained of were legally corrected, in accordance with the Comptroller-general's judgment, and the issue consequently took place.

7. Other cases, illustrating necessity of check upon issues directed by Treasury.

7. I also beg leave to refer to the objections raised against payments in excess of the sums legally due, (6th July 1842, 8th April 1851, and 6th April 1857); to the refusals of payment of salaries without the production of the instruments of appointment and of grant of salary, evidence immemorially furnished by the Treasury to the Exchequer; to which objections the present Chancellor of the Exchequer gave way; the refusal to issue 1,750,000 *l.* (21st March 1854) before the commencement of the financial year to which such issue was applicable, in which Mr. Gladstone acquiesced; the detection of a sum of 25,050 *l.* (21st December 1841), returned to Parliament as outstanding Exchequer Bills, where no such Exchequer Bills had ever existed, but which return was stated to be made in the year 1820, "to reconcile accounts with Treasury books and Parliamentary "Papers;" to the objections made to act upon warrants which had been altered after their signature (7th July 1843); and to the case of a Sign-manual tampered with in an essential particular, by erasure and interlineation after the Royal signature and the counter signature of the Treasury had been affixed. I again ask whether these cases were not all of a description to demand the interposition of the Comptroller-general; and, secondly, whether that interposition could have been effectual, except through the medium of an independent officer enforcing a preliminary check?

These instances are referred to, not with a view of claiming any peculiar merit for vigilance on the part of the Exchequer, but as illustrating, from actual experience, the absolute necessity of maintaining, in some shape or other, a previous check of the most authoritative description, and thus controlling the Treasury itself when control is required. Without such check is it possible to believe that the appropriation of the Commons could be enforced? It was, in each case, a check on the Treasury itself that was wanting. Without such constitutional check "*Quis custodes custodiet ipsos?*"

8. No legal opinion recently taken by Treasury, when requested by Exchequer, according to precedent.

8. It may here be remarked, that in these cases the Government had no hesitation in taking the opinion of the law officers when requested to do so by the Exchequer. When the same course was taken by the Exchequer in 1854, no such opinion was obtained, though the legality of the acts of the Government was boldly challenged. It is suggested by one of the witnesses that this request had never been officially made, though the officer making this apology had himself

himself reported on the subject to the Government, and though it was admitted that the formal protest of the Comptroller General had been addressed in the first instance to the Chancellor of the Exchequer, and ultimately to the collective Board of Treasury. It was urged as a second defence, that the question was postponed in consequence of the war. But a European peace has since been happily concluded. The law opinion respectfully solicited by the Exchequer has still been withheld, or more probably has not been asked for or obtained by the Treasury. This is contrary to precedent; is it not also contrary to reason?

9. Proposed abandonment of all control, consistent only with the abandonment of all rules.

9. One of the recommendations of the new system suggested in the "Memorandum" is, "that it should not fetter unnecessarily the free action of the "executive government." That merit—the absence of all restraint—if it be one, the new system would undoubtedly possess. There could be no infraction of rules with respect to the issues of public money where no rules are prescribed, or where no authoritative agency is established for their enforcement. If the recommendations of the "Memorandum" were adopted under this novel system, the Government would be entirely free, and Parliamentary responsibility and Parliamentary appropriation would, in their most essential points, be defeated. It is stated in a book of imaginary travels that a foreigner arriving in a new country, and inquiring into its jurisprudence, was astonished to find that there was neither law nor punishment provided against the crime of adultery; but, on inquiring further, the traveller discovered the cause of the anomaly, namely, that within that state all women were in common. It is on similar reasons that I admit, if the plan of the "Memorandum" were adopted, acts which I now consider as illegal could not any longer be complained of as such. The Government would be left to its unfettered action.

IV. OFFICE OF PAYMASTER-GENERAL.

1. Security of due application of Parliamentary grants, the object of Exchequer control.

1. The "Memorandum" unreservedly admits (p. 4) "that, so far as the cash de- "rived from the accruing revenue is concerned, the Exchequer provides the required "check against the issue of money in excess of the Ways and Means provided by "Parliament for carrying on the public service." It, however, adds, "the *present* "system of Exchequer control, *as established by the Act of* 1834, aims at something "more than this general check." It is intended "to secure the application of the "separate grants in conformity with the directions of Parliament, and to prevent an "issue in excess of any one of the grants." This is true, and without this check on issues, all else would be vain and futile.

2. Functions of Paymaster-general in distributing Exchequer issues.

2. This statement leads to a consideration of the functions of the Paymaster-general, through whom the Exchequer issues are distributed for the public service, each such issue being made by the Exchequer with a special appropriation, as required by the express words of the 4 & 5 Will. 4, c. 15 But before entering into that subject, it is necessary to remove a false impression which might be produced by the words of the "Memorandum" as stated above. It has been already shown that the duty of enforcing the appropriation of the supplies, by sanctioning appropriated issues only, does not originate in the present system of the Exchequer or the Act of 1834, but has been the prescriptive right and duty of the Exchequer from the earliest times. No alteration whatever in this respect was produced by the Exchequer Act; no novelty was recommended or enforced; what was then intended was the continuance of the constitutional and prescriptive principle of a preliminary control upon the issues, to prevent subsequent illegal applications of public money by the Paymaster-general, or other public accountant. All that is now asked is an obedience to the law, the supposed impossibility of which obedience is a recent discovery, wholly unknown to the distinguished Commissioners of 1831, or to the able men who have been entrusted with the payment of public money, before the unhappy introduction of the present indefensible system.

3. These issues distinctly appropriated.

3. It has been already shown that the supplies are voted by the House of Commons, and provided for under the Appropriation Act *for specified purposes*, and that they are issued from the Exchequer to the Paymaster, *subject to the precise terms of the same appropriation, for the same specified purposes.* It is in those terms that the issue is applied for by the Paymaster. It is in those terms it is directed to be issued by the Exchequer, and is transferred by the Bank. It can scarcely be argued that these issues in the hands of the Paymaster are not held subject to this specific trust.

4. Office of Paymaster-general now a sinecure.

4. The office of Paymaster-general is at present only nominal—a mere sinecure—no salary is paid, but this remuneration is fully equal to the services rendered. The duties are performed by clerks acting under powers of attorney, or holding Treasury appointments during pleasure. The department is not directly represented in the House of Commons, as was formerly the case, nor does it appear subject to any direct Parliamentary responsibility. This I consider to be a great abuse, and a striking contrast to the system which prevailed when the office was held from 1836 to 1841 by Sir Henry Parnell, who felt his responsibility, and performed his duties. This alteration of what ought to be an efficient and responsible office into an absolute sinecure worked by deputies, seems to me the fruitful source of many of the illegal practices of which I have so long but ineffectually complained. The sense of constitutional duty and of Parliamentary responsibility has been altogether lost.

5. Exchequer issues applied indiscriminately by Paymaster contrary to law.

5. The 4 & 5 Will. 4, c. 15, provides that the money issued to the several accountants, under specific appropriation from the Exchequer, the Crown, and the Treasury, shall be paid "to *such persons* for *such services*." The Appropriation Act also provides, "that the sums granted shall be applied to the services recited "in the Act, and *to no other*." It appears, however, that by the existing practice the issues from the Exchequer are transferred by the Paymaster to one common account, called the Drawing Account, and are issued indiscriminately for any services required, whether with or without the authority of an Exchequer warrant. The Sign-manual orders and Treasury warrants are also dispensed with. Mr. Anderson (1068) states, that the course taken is as follows: "We apply to-day for the "money that is required to-morrow, but when the Paymaster comes to the appli- "cation of that money, those separate credits are written off into his drawing "account, *and he draws indiscriminately for any services that come in*;"— that is, he spends the money without lawful authority.

6. All services dealt with interchangeably, and subsequently adjusted.

6. By this practice Army services may be, and are, paid out of a Naval vote, and *vice versâ*; and all grants for miscellaneous supply services, as well as all Consolidated Fund charges, are dealt with as interchangeable, and are provided for, in many cases, without the necessary Royal order, Treasury or Exchequer warrant, which last instrument is required as the essential proof of the legality of the payment. These misapplications of public money are subsequently set right by what is termed rectification or adjustment. Of the time and mode of making these adjustments most conflicting evidence is given by the official witnesses, Mr. Hoffay and Mr. Anderson. The close of the day, the next issue, the close of the month, are suggested in turn, but no fixed rule appears to prevail. In cases like that of the Duke of Wellington's funeral, this illegal misappropriation has been allowed to continue for years.

7. This practice illegal, rendering the public accounts false and delusive.

7. It is submitted that this course is, in all respects, in violation of law, and contrary to distinct statutable enactments. Payments of this description cannot be truly represented on the Bank returns to the Exchequer, or on the Exchequer accounts furnished to the Treasury, to the Auditors, or to Parliament. These accounts are thus rendered false and delusive.

8. Not to be justified by Treasury order to exhaust balances.

8. This proceeding is attempted to be justified by the misapplication of a Treasury order requiring the Paymaster to exhaust his balances before he applies for new Exchequer credits. A more fallacious and delusive argument has seldom been advanced to justify a misapplication of public funds. An order to exhaust balances given by one public department to another can only be justly construed as directing that such balances should be exhausted in a legal manner; not exhausted by misapplication, but by an application for purposes and in a manner authorised by law

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law. Any other construction involves a manifest absurdity. It would justify an exhaustion of the balance by waste, or even by corrupt malversation. This can be rendered clear by the following statement:—On the 31st of March 1856, the Paymaster held 53,418 *l.*, payable to the Exchequer. The argument of the Memorandum assumes that the Paymaster feels bound to obey the order to *exhaust his balance*. But he has two modes of doing so. The one, is to pay the 53,418 *l.* to the Exchequer to which department it is due: this is unquestionably lawful. The other, is to apply this sum to current expenses, the repair of the Palace of Westminster for instance, or to any other services: this is as clearly unlawful. Either mode of proceeding would exhaust his balance, and carry the Treasury Minute into effect; but the Paymaster-general prefers the unlawful method of doing so. Is this justifiable?

9. Payments should be duly made from Exchequer issues only.

9. If the Paymaster's drawing account was recruited only by issues from the Exchequer, as it ought to be, each issue would be subject to, and would carry with it, evidence of its own appropriation. The payment of such sums to the purposes for which they were issued would be as simple from a common balance, as from special balances applicable to each account. All that is required would be not to pay out of such balance, unless it included funds issued and appropriated for such payment. If any service was unprovided for at the time of demand, an application to the Exchequer would be immediately answered, and funds supplied without delay. Such orders would be executed within a few hours. Foreign bills should be met by payments from the Treasury chest; and the evidence of Commissary-general Filder proves that, with the exception of the case of an army in the field, the payment of the bill, the specific appropriation, and the repayment from the proper vote, might be simultaneous operations. His words are, "I am not aware that there would be "any difficulty in making use at the permanent stations of an established form of "draft, showing the vote and service in the Parliamentary Estimate on account of "which the sums were drawn out of the chest or bank" (*Sessional Paper, Lords*, 292, 1856, p. 54). It should be remembered that in case of service in the field, which Commissary-general Filder treats as exceptional, large votes of credit have been taken, applicable alike to Army, to Works, and to Navy, which would meet the difficulty; such votes have been taken six times for Canada, four times for the Cape, four times for China, as well as three times during the Russian war. There would therefore be no difficulty in so drawing bills so as to distinguish the head of service to which they were applicable. It is indeed suggested that bills are drawn at sight, requiring an immediate provision to be made. If this occurs, the bills could still be met through the medium of the Treasury chest account. But it is submitted as being extremely improbable that any considerable amount of Treasury bills can be drawn at sight, or, without previous letters of advice. It is respectfully suggested that this question may be cleared up by requiring *a return of the number and value of bills drawn upon the Treasury within a definite time, distinguishing such as are drawn at sight from all others.*

Foreign bills met from Treasury chest, and amount repaid from vote.

War Extraordinaries:

Canada - -	£. 2,096,046
Cape - -	2,060,000
China - -	2,201,028
Russia - -	8,000,000
Total Extraordinary votes since 1838 -	£. 14,357,074

10. Paymaster's cash account.

10. A more important question, however, remains to be considered. It has been shown, that so far is the Paymaster's drawing account from being supplied altogether from the Exchequer, and with appropriated funds, that this is the very reverse of the truth. The drawing account is also supplied from the cash account, and this cash account consists of miscellaneous receipts, many of which are free from any appropriation to the public service. Large sums are placed in the Paymaster's hands as public and private deposits, legally applicable only to the special purposes for which they are lodged. As an example, I find that 150,000 *l.* was so deposited on behalf of the Turkish Government. The case of the deposit of 150,000 *l.* of Turkish money is very clearly described by Mr. Anderson. He says (Q. 1548), "So long as any portion of that money "remained unexpended, it would go to increase the balance of Naval funds at the "Exchequer, and would place 150,000 *l.* at the disposal of the Admiralty *without the "knowledge of Parliament.*" The same witness (Q. 1274) states that "this transaction would not appear in the public accounts, nor would it appear in the "annual report made to Parliament, because it is not a transaction that Parliament "requires to know anything about" (Q. 1377.) Why Parliament should not require to know anything about the acts of its own public officers, in a case like this, is not very obvious. Whether a Committee of the Commons of England or the House of Commons itself will tolerate this use of deposits remains yet to be seen.

Deposits.

Turkish money, applied, unknown to Parliament

11. Recent increase of amount of deposits.

11. The deposits amounted to nearly half-a-million on 31 March 1856, as appears by a return laid before the Committee on Public Monies (*App.* p. 815). This account Mr. Anderson (4109-4116) states to have been increasing very much since the original consolidation of the Army, Navy, and Ordnance Pay Offices in 1836 On the final consolidation of the Pay office with the Paymastership of Civil Services, in 1848, these deposits are stated to have been "used the same as any "other money in the cash account, but they have increased very largely since then." This was a novel practice, for "the old plan," he observes, "was to leave them "unproductive in the Bank." I cannot but think the old plan was the safe and proper plan—it might almost be termed the more honest plan—and ought to be resumed without hesitation or delay. It appears (*Memorandum*, p. 21) that "the cash so held is applied by the Paymaster to current payments, and so much "less is drawn from the Exchequer for that purpose." When payments are thus made, it is obvious that they escape altogether from the sanction of the Crown, expressed in the Royal Order; from the sanction of the Treasury, as conveyed in the Treasury Warrant; from the authority of the Exchequer Warrant, which is the statutable mode of determining the legality of the issue. This application of deposits and similar sums is therefore contrary to law.

Their illegal application.

12. This practice unconstitutional, and subversive of Parliamentary control.

12. The practice is no less contrary to the first elements of the constitution, and is utterly subversive of our Parliamentary system of control. To meet all Supply votes, or charges on the Consolidated Fund, Ways and Means are provided by the Legislature. It is from those Ways and Means voted by the House of Commons, and from them only, that the public service is, or can be, legally defrayed. Deposits and similar contingent receipts are not justly applicable for such service under any supposition or fiction whatever. So to apply them, is a new and a rapidly increasing practice. To defend this misapplication and illegality by the miserable argument of a paltry saving, is to sell the birthright of the people of England for a wretched mess of financial pottage.

13. Subsequent adjustment by misapplying Exchequer issues.

13. But this is not all. The sums so illegally advanced must afterwards be as illegally replaced. The adjustment is as indefensible as the original misapplication. A demand on the Exchequer for an issue must subsequently be made under colour that it is required for a given and specified service. But that service having already been supplied from other and unauthorised resources, the sum demanded for this adjustment and received from the Exchequer, as for Army or Navy, can only be appropriated to replace the amount of the Turkish deposit, the balance for the Duke of Wellington's funeral, or any other balance previously misapplied.

14. No check against misapplying these deposits for purposes unsanctioned by Parliament.

14. A further constitutional objection likewise attaches to this practice. So long as these sums continue at the command of the Paymaster-general, there is no check to guard against their application to purposes unauthorised, and unknown to Parliament. Nay, it would appear that, if ultimately replaced by a rectification of accounts, but applied in the meanwhile to other purposes, they remain unquestioned by the Board of Audit whilst so applied. An account was laid before the Committee on Public Monies, and is appended to their Report, page 816, which exhibits these Miscellaneous Receipts, and also the time during which they were at the disposal of the Paymaster, and were made irregularly applicable to all current services.

15. Continuance of this abuse justified and recommended in the Memorandum.

15. No remedy is suggested in the "Memorandum" for this crying abuse; on the contrary, its continuance is justified and recommended (*Memorandum*, p. 21). This is done on the pitiful ground, that if these funds were not so misapplied, "the Paymaster would require an immediate issue out of the Votes or Consolidated "Fund to an equal amount." Better, a thousand times, that a requisition for such issue should be made and complied with, than that the fair fame of the country should be tarnished, and our constitution endangered by giving the Government of the day the command over these unhallowed resources, and condescending to profit by a mean economy in using, for the public service, funds which do not belong to the State. It is impossible to contemplate this system without shame, regret, and alarm. The misapplication of funds for any temporary purpose, with the anticipation, or even with the certainty, of replacing them at a future time, violates the highest principle, and introduces the utmost complication and contradiction into

into the public accounts. It is wholly unworthy of the character of a great country, and may set a dangerous example to the servants of the public.

16. Though condemned by Committee of Ordnance Inquiry and Mr. Anderson.

16. It is the more extraordinary, that this part of the case should have been passed over by the writers of the "Memorandum," when they could hardly have been ignorant of the observations of the Committee of Ordnance inquiry to which the name of Mr. Anderson is signed. In their 4th Report it is well observed, "the control of "Parliament over the public expenditure is weakened by placing funds at the dis- "posal of a department which, not being required for its own immediate expenses, "may be employed for purposes not contemplated by Parliament." It might be more truly said that the control of Parliament was destroyed than weakened by this practice.

17. Large amounts passed through Paymaster's cash account.

17. Mr. Anderson (Qs. 1229-1247) describes the cash balance as comprehending all sums paid to the Paymaster-general otherwise than through the Exchequer; and adds that in 1855 the unusually large sum of 5,750,000 *l.* was paid into the cash account; of this sum, 2,000,000 *l.* was in the shape of reimbursements to votes and to other accounts. The detail he describes as follows:

	£.
Transfers from Ireland	1,100,000
Remittance of Turkish Loan	1,830,000
Exchequer Bills re-issued	500,000
Extra Receipts, Army, Navy, Ordnance and Commissariat, *about*	1,053,000
Various Civil Services, Miscellaneous Deposits, and *so forth*, amounting to *about*	1,200,000

The very singular and loose mode in which these latter sums are described is remarkable. It would not be unimportant to inquire for what length of time all these sums remained in the Paymaster's hands, and to what uses they were then applied by him. It might be right also to examine for what appropriated use 1,100,000 *l.* was transferred from Ireland, and to what uses applied.

18. Reform of this practice suggested.

18. All receipts passing through the Paymaster's office for the Exchequer should be transmitted without delay, and the illegal usage of applying deposits or similar sums as Ways and Means be prohibited by law. The deposits should be placed to a special account at the Exchequer.

19. Reconstruction of Paymaster's office, with a view to Parliamentary responsibility

19. That the constitution and the practice of the Paymaster's office requires reconsideration and reconstruction I do not for a moment doubt. But it is not its abolition I should recommend; on the contrary, my own opinion is that it should be made a department, presided over by a Member of the House of Commons, responsible and bound to give an account of the mode in which this important branch of the public service is carried on. The Members of the Committee, who in the last Session compared the evidence derived from an actual inspection of the Paymaster's books with the evidence given by the official witnesses produced and examined, are competent judges to decide whether the administration of this important department by clerks, deputies, and officers acting under power of attorney, can be considered as satisfactory to the House of Commons. A bureaucracy is the worst of Governments.

20. Distinct appropriation of votes for the three great services.

20. When it is asserted and repeated in the "Memorandum" that an appropriation before issue of the Votes for Army, Works, and Navy, is impossible, it should be borne in mind that before the consolidation of the three Pay Departments this separation was unavoidable; nor is there any reason why it should not be adhered to under the direction of a single Paymaster. It is not denied in the oral evidence given before the Committee on Public Monies, that an enforcement of the principle of appropriation under the respective heads of the three great services, Army, Navy, and Works, may be carried strictly into effect. This appears undeniable from the evidence of Mr. Anderson (*Public Monies Report*, Q. 1745). He admits "that although the money issued to the subordinate paymasters, "at the time of issue is not appropriated to particular votes, it may be appro- "priated to the general service of the department; for instance, a naval ac- "countant will know that it is for naval services." This extent of appropriation is all that the present Exchequer system requires. (*See* also Evidence, Q. 1031.) "The check is sufficient as to the total of the grants, but as to the detail of "the application of them is insufficient." Indeed, the more methodical organization

Facilitated by payment of bills from Treasury chest.

of the Treasury chest facilitates such an amended system of sub-administration. The Treasury chest, as it is now properly called, is a banking fund exceeding 1,000,000 *l.* sterling of monies, without any special appropriation. Its primary object should be to meet the demands for foreign bills, and to facilitate remittances to the military chests. No final payments should be made out of this account. Employed for this purpose it will be seen that the Treasury chest will at once remedy, or rather will prevent, the dangers of misappropriation suggested in the Memorandum by reason of payments abroad. It has been already shown (s. 9) that foreign bills will be paid by the Treasury chest, and the amount be repaid out of the supplies voted for the respective services, for which advances were made from the military chests abroad. Thus these payments will be provided for in the first instance out of unappropriated funds, and will be repaid out of the specified appropriated grant in conformity with its appropriation. It has been shown by Commissary-general Filder's evidence, already quoted, that the bills may be drawn so as to distinguish the services to which they belong.

Remittances made for the chests abroad will be supplied through the Treasury chest, and these occasional payments can be thus carried on without any violation of the strictest appropriation.

21. Subsidiary votes of Great Departments not subject by law to Exchequer control.

21. In respect to the suggested difficulties of keeping separate accounts for the subsidiary votes of the three services, Army, Navy, and Works, the writer of the "Memorandum" omits altogether the fact that with this subsidiary appropriation the Exchequer does not interfere. The Exchequer check, under the opinion of the law officers of the Crown, is appropriated to the three great services only, and not to their subsidiary votes.

22. Exceptional cases of advances from Ordnance monies for other services.

22. It is possible that there may be exceptional cases, but these will be rare. The employment of Ordnance monies for other services was objected to so long back as in 1784, by the Commissioners of Public Accounts (12*th Report*, p. 24); by the Finance Committee of 1797 (21*st Report*, p. 13); by the Committee of Inquiry into the Ordnance Accounts in 1844 (*Commons Papers*, $\frac{160}{1856}$, p. 55), of which Mr. Anderson was a member; and finally, in the Treasury Minute of 22 December 1848 (*Report on Public Monies*, p. 520). This latest authority directs such advances to be limited to cases of *indispensable necessity*, and to which the previous sanction of the Treasury should have been obtained. It is obvious that no greater mistake can be made, in reasoning or in practice, than when it is attempted to draw general inferences from rare and exceptional cases. The law permits the destruction of a neighbour's house in order to check the progress of a fire; no one but a shallow reasoner would infer from this any disregard to the rights of property.

23. Alleged payment of Commissariat bills out of Army grants.

23. The payment of Commissariat bills out of Army grants has been objected to, as inconsistent with constitutional checks and Parliamentary appropriation (*Sir C. Trevelyan's Report, Public Monies*, p. 611). The Treasury Minute of the 19th August 1836 directs the repayment from the Navy and Ordnance grants to be made as soon as possible. The Treasury Minute of the 22d December 1848 goes still further. It cites the objections of the Audit Board to this practice, and states that there should be no difficulty in carrying on this service without borrowing from the grants for other services to meet the current payments. In the remarks on Sir C. Trevelyan's Paper, made in 1854, (*Report on Public Monies*, p. 611), it is stated, that "since 1851 the Army grant has been relieved from this burthen."

This practice condemned, and discontinued.

It is clear, from these references, that an accelerated progress has been made to check, and, finally to put an end to, the practice complained of. Yet in the Memorandum no reference is made to these judicious alterations, nor to the recognition of the duty and practicability of enforcing a strict appropriation, on which these changes were founded; and the antecedent practice, so justly condemned by all the authorities referred to, is relied upon in the "Memorandum" of 1857 as still generally subsisting, and as presenting insurmountable obstacles to a compliance with the law. Is this mode of reasoning either candid or just?

24. Imprests may be strictly appropriated for the three great services, if not for subsidiary votes.

24. A similar example of misapplied reasoning will be found in the "Memorandum" (p. 4), where imprests and advances are alluded to as insurmountable obstacles to strict appropriation, although this has been already shown (s. 20) not to be the case. The same argument will be found in the Appendix, *Public Monies*, p. 556. It is there stated, in Mr. Anderson's Report to the Treasury, in relation to imprests, "that as the specific appropriation of these advances *according to the Votes to which they relate* cannot be ascertained before the expenditure takes

" takes place, it is beyond the power of the Exchequer to prevent an excess upon " any one of the Navy or Ordnance *votes*." The fallacy in this answer consists in the substitution of the word "*Votes*" for the word "*Services*." The Exchequer does not pretend to limit the issues for the subsidiary votes; but it does and ought to limit the issues even of imprests and advances to each of the great services to which they apply, and for which they are demanded. It has been proved that the objection raised against the special appropriation to subsidiary votes does not apply to the aggregate grant for each of the three great services, which alone is regarded at the Exchequer. The objection, therefore, gives no strength to the argument against the Exchequer principle of appropriation, nor does it justify the conclusion to which the writer of the "Memorandum" seeks to lead his readers.

25. Objections in Pay Office to Exchequer credits considered.

Credits not required for the subsidiary votes of great services.

25. In a subsequent part of the "Memorandum" (p. 13), another attempt is made to prove the impracticability of applying the Exchequer control in respect to the subsidiary votes for the three great services. This argument is equally fallacious with the last, which has just been answered. The issue of special credits, which are estimated sums drawn to meet expected payments, is objected to as impracticable. Here, again, the reasoning assumes that these special credits are required from the Exchequer with respect to the subsidiary votes of the three great services, Army, Navy, and Works. This has been shown to be contrary to the fact. The credits of the three great services, are severally obtained upon requisitions on behalf of each service. Thus the Treasury Warrant for the special credit is decided, and the appropriation shown by the requisition, and the Exchequer Warrant is governed accordingly. These warrants issue for each of the three great services only, and not for each of the subsidiary votes. The appropriations to the subsidiary votes is a matter which now rests between the Treasury and the Departments, but does not rest with the Exchequer.

26. Alleged increase of balances.

26. The next objection raised is to the increase of balances with distinct appropriations; indeed in the evidence (Q. 2168), Mr. Anderson frankly admits that "it is after all really a question of balances," and a doubt is expressed (Q. 2177) whether "one million would enable the Paymaster-general to keep all his balances in credit." Without for the present stopping to prove how gross is this exaggeration, it will appear from a moment's reflection that here, as before, the question of three specific balances, appropriated to the three specific great services, is confounded with separate balances upon every distinct vote included in each of those great services; and that fallacy has been already disposed of. But I must take the liberty of repeating that which I already stated before the Committee (Q. 2846), "that the question of an economy of balances is but as the dust under our feet, "when compared with the higher duty of protecting the constitution of England "by enforcing a just Parliamentary appropriation." This Paper is addressed to a Committee of the representatives of the people, who cannot fail to distinguish between the principle of a suggested economy of balances and the principle of maintaining the privileges of Parliament and the liberties of their constituents. The legitimate remedy is to preserve a balance at the Exchequer adequate to the public requirements.

27. Departmental regulations directed by Treasury, not requiring remark.

27. In these observations I do not presume to remark upon the regulations or accounts of distribution which the Treasury may judge it necessary to require and to enforce with a view to ultimate accountability and to the audit of the accounts. That does not enter into the question of Exchequer check. I fully recognise its importance, but it is to be decided by others.

28. Paymaster to be charged with Exchequer credits, not with vote.

See ch. xiii., pp. 57, 58, 59.

28. The question of substituting an account of actual payments in place of credits issued is specifically treated in this Paper, and need not here be alluded to further than to refer again to Mr. Anderson's Report of the 24th January 1841, on Army Accounts, where he distinctly states, "that the Paymaster-general must be *charged* "*with the Exchequer issues*, and must be relieved by the amount of his final pay- "ments and advances." Any other system would charge him with sums which he cannot legally apply. He cannot draw against the vote without its previous legal issue to him. The amount of the Parliamentary vote is not at his command until issued under an Exchequer Warrant. The suggestion, therefore, of the substitution of the vote for the Exchequer credit can only be intended to justify the misapplication of other monies in the Paymaster-general's hands, including the illegal use of deposit monies, unexpended balances, and of other funds taken from his cash account.

Remedy for difficulties may be found in direct responsibility of Paymaster to Parliament, and in strict obedience to law.

Let the Paymaster-general so conduct his office as to be enabled to justify his acts before the House of Commons or a court of law, and all difficulties in respect to the Exchequer check and control will vanish. It is an attempt to evade or to violate the law which produces all the difficulties complained of.

V.—OFFICE OF AUDITORS.

1. Necessity of account and audit acknowledged from earliest times.

1. It has been already shown, that the laws of England prohibit, and render impossible, the levy of taxes, or any other impositions without Parliamentary authority. It has been also shown that the principle of a Parliamentary appropriation is recognised, and strictly laid down by the Votes in Supply, and the Ways and Means and Appropriation Acts. The object of the establishment of the ancient as well as the modern Exchequer has been proved to be the enforcement of the specific appropriations of Parliament under their distinct heads of Service or Votes. The practice of the Paymaster's office, carried on with the knowledge and sanction of the Treasury, has been proved to involve a distinct violation of law. But had this been otherwise, our financial administration would obviously still remain imperfect without an ultimate audit of account, testing, by an independent authority, the due application of the sums issued to the Paymasters and other similar officers. This necessity seems to have been acknowledged from the earliest times. In many of the earlier cases in which grants were appropriated to distinct purposes, provision was also made by Parliament for the subsequent rendering of the accounts and examination of the expenditure. In some instances these accounts were required to be examined by special auditors previously appointed by Parliament itself. Mr. Hatsell observes, "Even in the more ancient times it was "not unusual to appoint persons to examine the accounts of those who had received "and had the management of the public revenue." In the 14th of Edward III., William de la Pole and John Chawnells were called before certain persons assigned by the Parliament, and required to give an account of their receipts and expenditure. This is considered the first example that any money given in Parliament was by them ordered to be accounted for to persons appointed by themselves. In 1406, 7 & 8 Henry IV., the Commons required "that certain persons might be appointed auditors, to take and examine the accounts of the Lord Furnival and Sir John Pelham, Treasurers of War in the last Parliament. In this case three parts of the subsidy had been granted to the merchants for keeping the sea, and one-fourth was employed for the defence of the realm." On the 18th March 1552, a Bill was sent from the Lords for making treasurers and others having receipt of the money of the Crown yearly accountable. This Bill was dropped in the Commons, I presume on the ground of privilege, and a new Bill introduced and passed. On the 20th of March 1623, the House resolved "that three subsidies, and 3-15ths granted, be paid into the hands and expended "by such Committees or Commissioners as shall be agreed to in this Session of "Parliament." In 1625, a "Grand Committee was appointed concerning the three "subsidies and fifteenths, with power to make a sub-committee for auditing the "accounts, and preparing them for the Grand Committee." The 11th of November 1675, it was resolved, "That the supply for building ships be kept distinct and "apart from the other monies, and that the account for the said supplies be "transmitted to the Commons."

2. Shown by Hallam to be a necessary consequence of Parliamentary appropriation.

2. The following extract of the proceedings of the House of Commons in respect to Audit is taken from Hallam: "It was in consequence of the right of "appropriation that the House of Commons felt it should be able to satisfy itself as "to the expenditure of their monies in the services for which they were voted; "but they might claim a more extensive function as naturally derived from their "power of opening and closing the public purse, that of investigating the wisdom, "faithfulness, and economy with which their grants have been expended. For "this, too, there was some show of precedents in the ancient days; but what had "undoubtedly most influence in the time of Charles the Second was the recollec-"tion that during the late civil war, and in the time of the Commonwealth, "the House had superintended, through its Committees, the whole receipts and

"issues

" issues of the National Treasury. This had not been much practised since the " Restoration; but in the year 1666 the large cost and indifferent success of " the Dutch War begetting vehement suspicions, not only of profuseness, but of " diversion of the public money from its proper purpose, the House appointed a " Committee to inspect the accounts and the affairs of the Navy, Ordnance, and " Stores, which by the King's direction were laid before them. This Committee, " after some time, having been probably deficient in powers, and particularly being " incompetent to administer an oath, the House determined to proceed in a more " novel and vigorous manner, and sent up a Bill nominating Commissioners to " inspect the Public Accounts, who were to possess full power of inquiry, and to " report in respect of such persons as they should find to have broken their trust." The immediate object of this inquiry, so far as appears from Lord Clarendon, was rather to discover whether the Treasurers had not issued money without legal warrant than to enter upon the detail of its expenditure. That minister, bigoted to his Tory creed of prerogative, thought it the highest presumption for Parliament to interfere with the course of Government; he spoke of this Bill as an encroachment and usurpation; nor was the King less averse to a Parliamentary Commission, as well from a jealousy of its nature, as from a consciousness that great sums had been issued by his orders which could not be put to any public account. The King prorogued Parliament whilst the Bill for appointing the Commission was pending, and, to pacify the Commons, he promised to issue a Commission under the Great Seal for the examination of the Public Accounts, an expedient which was not likely to bring to light more than suited his purpose. But it does not appear that this Commission, though actually prepared and sealed, was ever carried into effect. At the next Session of Parliament the King promised that Parliament should have an account of the monies given towards the war, and expressed his willingness that the House of Commons should follow their own method of inquiry, examining the accounts in what way and as strictly as they pleased, and adding, that he would have every one to stand or fall according to his innocence or guilt. In 1669 the Commons proceeded in the examination of the Public Accounts, in the passing of which, they found Sir George Carteret, the Vice-Chamberlain to the Queen, who had been Treasurer of the Navy, and had the keeping of the books, so blameable, that they expelled him the House.

3. Two distinct principles of Audit; 1, Local; 2, Central and independent.

3. Two principles of Audit have frequently been compared, each of which possesses its own relative advantages and disadvantages: a local Audit, which may be assumed to possess more of knowledge of the accounts and transactions to be audited; and an independent and central Audit, which, although it justly claims more authority, cannot have the same detailed knowledge. As to the first of these principles, Sir Henry Parnell, in his Report upon Army Accounts, 22d of August 1840, states, in relation to the mode of local Audit then exercised in the War Office, Admiralty, and Ordnance Offices, "There exist great facilities " and expedition in passing accounts; but there is here a great defect in principle, " not fully met by the observations in the Report, that is, that all these depart- " ments *audit their own accounts*, and consequently *will never object to items of* " *expenditure, however extravagant, which they themselves have authorised.* And " although these officers exercise a most efficient control over their sub-accountants, " they are themselves free from any control whatever. This absence of re- " sponsibility is highly objectionable." How far an audit of its own accounts carried on by a great department through its own officers will be effectual as a means of enforcing a Parliamentary appropriation, must depend, to a certain degree, on the confidence due to Sir H. Parnell's observations. It should be borne in mind, that when Sir Henry Parnell reported, the Appropriation Audit had not yet been applied to Army or Ordnance services.

Local Audit defective in principle.

4. Functions of the existing Board of Audit considered, with reference to proposed control.

4. I shall now proceed to consider the functions and powers of the modern Board of Audit. It is on the Board of Audit, acting separately or in combination with the Treasury, that the authors of the "Memorandum" rely as an essential agent in the new plan of financial control. For this purpose, it is proposed to entrust to them certain powers of granting certificates and countersigning accounts, substituting these new functions, not very clearly defined in all cases, for the authority of the Exchequer, recommended to be abolished. The main reliance, however, is in the Appropriation Audit. It therefore becomes a matter of the first necessity to examine to what extent the present Board of Audit has hitherto acted in checking unauthorised expenditure; and how far its existing constitution

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fits it to administer the higher functions of control over the Treasury. It is also necessary to examine whether the mode in which it is proposed by the "Memorandum" that such control shall be exercised will render this control a reality or a fiction. I need hardly say, that my observations on the Audit Office are perfectly compatible with the most sincere respect and esteem for the auditors from their ability and worth—esteem in every respect augmented as well as justified by the evidence given by the Chairman before the Committee on Public Monies.

5. Insufficient audit previously to the establishment of the present Board, in 1806.

5. Prior to the establishment of the present Board of Audit in 1806, it is clear, from recorded facts, that the Audit Office was insufficient for the performance of its ordinary duties. The state of things anterior to 1806 was forcibly described by Lord Henry Petty, on the introduction of his Bill, 23d June 1806. It is difficult to realise even in imagination the extent of abuse which was then stated to exist. The Accounts delivered in were said to have amounted to 52,000,000 *l.*; the Accounts still under examination to 169,000,000 *l.*; the Army Accounts not delivered in to 209,000,000 *l.*; the Navy Accounts not delivered in to 101,000,000 *l.*; Unaudited Accounts in another department to 3,000,000 *l.*, making a total of 534,000,000 *l.* remaining altogether without audit. It was not surprising that so lamentable a condition of the department should have called forth the active interposition of the Government and the attention of the Opposition. Mr. Pitt in 1805, and Mr. Huskisson and Lord Henry Petty in 1806, applied themselves to grapple with this difficulty; and to the latter, in 1806, the country is indebted for the assertion of a great principle by the establishment of what purported to be, an independent authority, composed of officers holding during good behaviour, acting judicially, and supposed to be placed beyond the political and party influences of the day. How far this wise intention of the framers of the measure has been realised in the existing constitution of the Audit Board, is now to be considered.

6. Failure of Audit Board to control the Treasury.

6. Conflicts soon arose between the Auditors and the Treasury respecting their relative powers. A fundamental error, dangerous to the independence of the Auditors, seems to have been committed by a clause originally contained in the Patent of the abolished Auditors of Imprest, which clause was transferred to the Patent of the new Auditors. The Auditors were empowered to audit and determine accounts "*by and with the advice, authority, and consent of the Treasury and Chancellor of the Exchequer*," by which section, the Treasury and the Chancellor of the Exchequer were rendered necessary parties to the audit of every account. This section was introduced into the Patents appointing the Commissioners of Audit; it was continued in 1810, and I believe is continued to the present day. The practical effect and "inconvenience has been, that the Auditors have considered "themselves bound in all their proceedings to obey the directions of the Lords "of the Treasury." Such are the words in the 5th Report, 2d Part, of the Finance Committee on the Audit of Public Accounts, 1810. A more recent admission of the existence of the authority of the Treasury is set forth in the Report made by the present Board of Audit for the information of the French Government (16 April 1851). [*Public Monies Report, Appendix, page* 834.] It contains the following paragraph: "With respect to sums allowed to "the accountant's credit, the decision of the Auditors is final. They are to "decide whether the payments are duly authorised and vouched, and if they are "of opinion that they are so, the Treasury cannot direct them to disallow them. "With respect, on the other hand, to sums disallowed by the Auditors, the case "is different. Here, according to long practice, an appeal lies to the Treasury, "who are empowered to direct, if they think fit, by warrant, signed by two Lords, "that for all such sums, or any of them, credit should be allowed to the accountant." This passage is here quoted in proof of the controlling power of the Treasury.

7. Superior authority of the Treasury. Evidence of Sir H. Parnell,

7. The Audit is stated to have failed altogether as a control over the Treasury in its general investigations. "The attempt to make the Audit Board a control over the Treasury," observes Sir Henry Parnell, "which was a principal object in establishing it, has proved a complete failure. It could not be otherwise from the nature of things. One cause assigned is the power possessed by the Treasury over all its proceedings: the want of means to give effect to its decisions is another." This judgment seems to be adopted in the Treasury Minute of the 27th of November 1840. [*Naval and Military Audit, Sess. Paper*, 160, 1856.]

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The existence of this superior authority of the Treasury over the Auditors is fully recognised in the evidence of Mr. Romilly (Question 4259): "If the "Treasury gave the Paymaster directions to make a payment, and he made "that payment in accordance with that authority, the Paymaster would be "entirely exonerated, and we should give him credit for the sum paid under "that authority, and this without questioning whether the authority issued by the "Treasury was a proper authority for the Treasury to issue. If we saw that "authority had been given by the Treasury, which we conceived to be contrary "to any Act of Parliament, or our attention was drawn to it with that view, "we should point out to the Treasury that such was the case: but we should "certainly give the Paymaster credit for the sum he had taken credit for under "that authority." and of Mr. Romilly.

8. Nor does the Audit appear to have been more successful over the accounts of the great departments themselves. "The attention of Parliament was called to "this subject by Sir James Graham on the 25th of February 1831. On moving the "Estimates of the Navy for that year, that Minister explained to the House of "Commons that works of great extent in the department of the Naval Service had "been begun, completed, and paid for without the knowledge or sanction of Par-"liament, or without the subject having been once brought under the notice of the "House of Commons; that these works were paid for out of the surplus on the "other Votes, which were greater than were needed for the purposes to which it "was intended they should be applied. The following works were cited as "instances in which the Votes of Parliament had been exceeded, or in which no "no vote had been obtained. 8. Audit Board not more successful in controlling great departments.

	£.
"Weevil—(expended without a Vote) - - -	155,534
"Cremil—(expended beyond the Votes) - - -	225,441
"Ascension—(expended without a Vote) - - -	10,000
"Woolwich—(expended beyond the Votes) - - -	141,443
"Leith—(expended without a Vote) - - - -	7,908

"It was further shown, that since 1820 the sum of 1,243,100 *l.* had been "expended for sea wages beyond the sum voted by Parliament; and that this "excess was caused by employing, year after year, a larger force than Parliament "had sanctioned. To meet these excesses, it was explained, that larger sums than "were needed had been voted for naval stores and for army provisions, the excess "of grants beyond the expenditure for these services having amounted in four "years to 1,835,000 *l.* On the 15th of February 1832, the First Lord of the "Admiralty, on introducing the Bill for the Consolidation of the Civil Departments "of the Navy, again adverted to the unconstitutional practice which had prevailed "in the Naval Departments, of disregarding the provisions of the Appropriation "Act in the application of the Naval Grants; and again detailed some of the cases "before referred to, as well as others in which large sums had been expended "without proper sanction. He stated, moreover, that *the Law Officers of the "Crown had been consulted on the subject; and that they had declared the "practice adverted to to be illegal.*" [*Sixth Report of the Committee on Accounts of Ordnance Department, 6th of December* 1845, *p.* 79].

9. These abuses do not seem to have found any more efficient check in the Treasury than in the Audit Office. Although powers of control are vested in the Board of Treasury, these powers fail in cases like those adverted to. "The "Board of Treasury, to whom this duty might be conceived more immediately "to belong, has at no time exercised a systematic control over the Public "Accounts, neither would such an employment be compatible with the regular "functions and ordinary occupations of that Board, nor consistent with those "urgent executive duties in which it is constantly engaged." Such is the judgment of the Finance Committee, 1810. But without referring further to the transactions of Auditors, whether departmental or general, in former times, the more material and practical inquiry remains, namely, how far the Appropriation Audit subsequently introduced has been a remedy for the abuses complained of, and whether it affords a real and sufficient security against any future disregard of the Parliamentary appropriation, and is to be relied on, more especially when 9. Failure also of Treasury powers of control.

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applied as a control over the Treasury, the supreme financial authority of the State.

10. Appropriation Audit. Its origin. Inaccurately described as remedying the defective check of the Exchequer.

10. The abuses above described having been clearly shown in 1832 by the First Lord of the Admiralty, he added, that "he should imperfectly discharge his duty, "after having dwelt so much upon the *misappropriation, in defiance of Parliament, "of money voted for a particular service,* if he did not propose to the House a plan "to prevent it in future." That plan was the Appropriation Audit. It is suggested (Memorandum, page 7) that the origin of this audit was as follows:—"The "Government of Lord Grey did not appear to have considered that the check of "the Exchequer upon misappropriation would be of the least avail in repressing "the irregularities for which a remedy was required; *and the Government was "right.*" The Government submitted the audit of the Naval Accounts for the sanction of Parliament. A more absurd anachronism could not have been committed than is contained in the last cited extract from the "Memorandum." It inverts the true dates of these events in order to support a false argument. The Naval Audit Act passed in 1832, the Exchequer Act in 1834; yet we are called on to believe that the insufficiency of the latter was the cause and motive for the former. Can inaccuracy go further?

11. Its practice and object.

11. This Appropriation Audit, which was applied, in the first instance, to the Navy only, was thus described by its framer: "All accounts of the Treasury and of the "Navy closed to the 31st of March, were required to be transmitted to the Board "of Audit; and it became the duty of the auditors on the 31st of January in each "year to lay on the table of the House of Commons their report. This audit was "intended to compare the expenditure and the vote, with a view of reporting to "Parliament how far the Appropriation Act was complied with." It must, however, be borne in mind, that this audit is made only by comparison with the vouchers of the department itself; that beyond those vouchers the auditors do not consider themselves bound or justified in going. This is the more important, as it is asserted in the "Memorandum" (p. 9), that the vouchers produced "are the actual vouchers on which the payments are made." But this is not so. Mr. Romilly states, that "in most cases the Auditor has no access to the actual evidence "of proof of payment, because that evidence does not even exist in the depart-"ments themselves." The necessity of investigating these actual vouchers was brought before the Treasury by the Audit Board in 1848, and the Treasury Minute of the 30th of May 1848 contains these words: "Their production before "the officers of audit, in order to enable them to carry on their examination into "the ultimate payments in detail, could not have been contemplated by the "Legislature, and would be impossible." [*Parliamentary Paper, No.* 385, *Session* 1848, *page* 20.] It is true that the Act of Parliament requires that the auditor should have access to vouchers and accounts; he can, if he please, call for vouchers, "and inspect as many or as *few* as he may choose." The witness who gave this significant reply, Mr. Hollings, himself a War Office clerk, conversant with the proceeding, is asked, "Does the independent officer of the Audit Board examine the vouchers, or not?" He answers, "He does not as a rule examine the vouchers; he could not." Mr. Whiting, who had served as Examiner of Naval Accounts, has made a statement upon this subject of the highest importance. [*Sixth Report of the Committee on Ordnance Accounts, 6th December* 1845, *Appendix, page* 98]. He observes, "The clause in the Act by which the "audit is appointed requires that they shall be the 'usual and regular vouchers'; "by which has been understood 'vouchers authorised for payment *according to* "*the custom of the office,*' and upon this interpretation the audit has been con-"ducted, so far as relates to the validity of each. Vouchers sustained by the "quotation of a contract, and all orders for payment bearing the signature of two "Lords of the Admiralty, and stating the particular service and the amount, have "been regarded as 'usual and regular vouchers,' *whether those payments, or even "services, have been contemplated by the Estimates and Votes or not.* The under-"taking of works or their expansion or suspension irrespective of the votes; the "placing of sums paid for services performed for other departments under a mere "transition head, whereby so much *bonâ fide* expenditure is withheld from the "account presented to Parliament; the charging under certain heads of the Ap-"propriation Act services apparently belonging to other heads therein voted; the "omission

Shown to be dependent on vouchers and books of Departments.

" omission upon the account of sums advanced from foreign sources, though the " services defrayed with them have formed a part of the charge of the same year; " or the transfer of the payments of one year to another, inconsistently with the " ordinary course of the accounts, have been formally pointed out as involving a " misstatement of the transactions of the outlay, or the balance of the year, and " occasionally of all these at once. But when queries have been raised upon these " objections, and the explanation afforded has prevented its being laid before Par- " liament in the account, the auditor has considered this to amount to an acqui- " escence in the principle, on the ground of the equivocal nature of the power at " present committed to the Commissioners of Audit, *and has not felt it his duty to* " *renew the objection except in cases of magnitude.*" From this extract it is clear that in these cases the Commissioners of Audit are restrained in their operations by the superior authority, either of the department whose accounts are under examination, or of the Treasury itself, and that objections of the most serious kind may thus be withheld from the knowledge and attention of Parliament.

12. Subject to power of the Treasury over pending accounts.

12. Attention should here be called to the fifth section of the Appropriation Audit Act, 9 & 10 Vict. c. 92, which seems to afford the Treasury the means of exercising an unlimited power over pending accounts. It is provided that if objections should arise to any item of receipt or expenditure, such objections shall be communicated to the departments to which they relate, and if not answered to the satisfaction of the auditors, the same shall be referred to the Treasury, who shall determine in *what manner the item or items objected to shall be presented to Parliament.* This enactment vests in the Treasury a complete control over the operations of the auditors; and it was coupled with an alteration of the law of still higher importance and more michievous tendencies. By the Naval Appropriation Audit Act, 2 Will. 4, c. 40, s. 30, it was enacted that the auditors should themselves report direct to Parliament, being thus left free and unfettered from any restraint or control on the part of the Treasury. By the 9th and 10th Victoria, c. 92, this important privilege is withdrawn. The auditors are now restrained from reporting to Parliament except through the Treasury, and the Treasury, which has already been empowered to determine in what manner any item or items in an account objected to by the auditors shall be presented to Parliament, are now made likewise the channel through which alone the reports can be presented. The papers laid before the House in respect to the Right honourable T. F. Kennedy, Sessional Papers, 1854, No. 93, exhibit an instance in which the independence of a public officer, in making the report which he was bound to render to Parliament, may be seriously endangered by the interposition of the Treasury.

13. Its dependence on the Treasury and great departments shown by Mr. Romilly.

13. The controlling power of the Treasury and the higher departments acting in restraint of the Appropriation Audit is described, and the question of the dependence or independence of the auditors is conclusively disposed of by the following extract from a paper appended by Mr. Romilly to his evidence:—" In " performing the duty, however, the appropriation auditors are not to call in " question the orders of the departments in carrying on their expenditure, nor to " interfere with the examination or audit in detail of that expenditure. Every " voucher in those departments is accessible to the auditors; but provided those " vouchers bear evidence of the expenditure having been duly authorised and " passed by the proper authorities, no objection could be raised by the Commis- " sioners to any item of that expenditure, except for the purpose of questioning " the head of service to which such item has been placed, as expressed in the " Appropriation Act. The vouchers, therefore, are examined with that view " only. If the auditor saw that a payment had been ordered contrary to the " express provisions of a Royal Warrant, an Order in Council, a Treasury direc- " tion, or even the provisions of an Act of Parliament, or if he had reason to " know that a sum taken credit for as paid had not been paid, or that there had " been a double payment, or a wrong computation affecting the total, provided " the accounts in which these irregularities had occurred had duly passed the " constituted authorities of the Army or Navy Departments, he would be " exceeding his duty if he remarked upon them. The examination of the accounts " of these departments cannot, strictly speaking, enable the Commissioners of " Audit to certify either to the amount or the fact of the payments actually " made; and accordingly the Audit Office certificate laid before Parliament is " qualified as to the correctness of the account with the words as 'compared with

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"the books and vouchers' of the department; and with this reservation pro-
"minently introduced into the body of the certificate, the certificate is perfectly
"correct, and does or ought to prevent misconstruction." [*Report on Public Monies, page* 442.]

14. Higher functions exercised by the Court of Accounts in France.

14. Mr. Anderson has on many occasions referred to the superiority of the French system. So far as in exercising a paramount control over high officers of State, the Court of Accounts is unquestionably intrusted with much higher functions than any possessed by the auditors. The duties of that court, as remodelled after the Restoration, "extend *to a revision of the orders for payment* "*issued by the executive department* of the Government, with a view to ascertain "that proper vouchers have been obtained, and *that the order of payment has been* "*issued in strict conformity with the financial laws.* The superintendence of the "Court of Accounts reaches not only the cash agents, who receive and who pay "away the public money, *but those also who authorise the public disbursements.*" — [*Vide Sixth Report of Committee on Ordnance Accounts, page* 81.]

15. Cases cited of superior authority of great departments.

15. In this last-mentioned Report, some striking instances are given of the desire felt by public departments to escape from the control of the Appropriation Audit. In a case where the auditors had objected to the excess of expenditure beyond the vote, the Admiralty stated in reply, that the Act of the 2d of Will. 4, c. 40, did not take away the power of exceeding any head of expense on their ministerial responsibility. This occurred in 1832, soon after the introduction of the Appropriation Audit. On this the observations of the Committee are as follows (p. 83):—"If the Admiralty mean that they are authorised to exceed the "votes, we entirely differ from their Lordships, as we believe no such authority "is granted to the Admiralty." The Committee add, "We have thought it right "to notice the statement in question, because it appears to us that this erroneous "view which the Lords of the Admiralty have taken of the power vested in "them by Parliament may have had its effect in producing irregularities." This Report bears the signature of Mr. Anderson. The Admiralty construction, however, appears, from the memorandum of Mr. Romilly, still to prevail; and if, as is stated by the Committee in the Report already referred to, "the Appropriation "Auditors are charged with a supervision of the accounts of the Naval expendi-"ture, free from any control or influence of even the highest department of the "Government," [*vide page* 83], this object has in nowise been attained. It is further stated in the same Report, signed, as I have observed, by Mr. Anderson, that "It is by no means understood in some departments that any authority but "their own is required to justify them in incurring an excess of expenditure beyond "the grant for any service while Parliament is not sitting. In proof of this, we "beg to refer to the Naval balance-sheets for the last twelve years," (*i. e.*, from 1833 to 1845,) "in which excesses of expenditure beyond the grants, under "various heads of service, have annually taken place, and have been defrayed out "of the surpluses of other votes without sanction from or communication with the "Treasury, or any superior authority." Various examples are given of such cases as affecting both the Ordnance and the Admiralty. The following may be taken as instances: "A balance equal to 24,134 *l.* has been retained by the Admiralty "out of the general surplus of the naval grants for 1843-44, to be expended on "works in subsequent years, and, in our humble judgment, without the sanction
Page 73. "of a vote in Parliament." "The principle adopted by the Admiralty has the "effect of weakening the control of Parliament, by affording that department
Page 75. "an opportunity of expending in works and repairs sums which the House of "Commons has appropriated to other purposes." "Respecting Ordnance works,
Page 86. "money does not appear to be applied consistently with the votes of Parliament." [*Report of Inspector-General of Fortifications.*] "The Admiralty were "permitted to expend in naval stores 360,000 *l.* beyond the sum appropriated by "Parliament to that service, and this sum has been taken without sanction of "Parliament from surpluses on other votes." The whole case seems to be summed up by the following reply of Mr. Anderson to the question, "Do you think "that that system" (Appropriation Audit) "works by the exposure of anything "wrongly done, or by actual power in the Audit Board?—There is no power "in the Audit Board under that system of Audit to prevent excess beyond the "votes; if the departments choose to exceed their grants, they" (the auditors) "have no discretion." [*Report on Public Monies*, Q. 1092.]

16. These

16. These difficulties, shown to exist in the Appropriation Audit, were felt and foreseen even in respect to the Board of Auditors originally constituted in 1806. Mr. Serjeant Praed, Chairman of that Board, stated before the Finance Committee of 1819, "I think we are not upon an equal footing with some of the "great public accountants; the high situation of some public accountants, and the "connexion of others with persons holding high offices, frequently impede the "proceedings of the Audit Board. The Committee can have no conception of the "extent of this evil." This, it is true, was stated in the year 1819; but in a letter dated 7th December 1855, addressed to Sir Charles Trevelyan by Mr. Hoffay, now Assistant Paymaster-general, and formerly Examiner of Naval and Military Accounts, the Appropriation Audit is referred to as follows:—"Useful as "this audit has been, it may be made still more so. The auditors should "have the power of commenting on the accounts, as they do on accounts "delivered into their own office. They should also point out irregular or objec- "tionable transactions, and call for information before the result on the vote or "on the aggregate of the grants is arrived at; for the great object is to prevent "expenditure, not to certify to the fact that it is gone. *But the truth is, that "the Audit Board has not sufficient weight; for I well know, from experience, "how crushing the feeling is that you have to contend with departments that "are too strong for you.*" — [*Lords' Papers*, 292, *Session* 1856, *p.* 50.] Mr. Romilly also is asked [4392], "Do you think unless there is a final audit it "could be possible to check by an Appropriation Audit?" His reply is, "No, "certainly not;" and in reply to another question [4393] he says, "We take the "audit of the accounts in these departments upon their authority alone."

16. These difficulties stated by Serjeant Praed in 1819, and by Mr. Hoffay in 1855.

17. It would seem to be not only a useful, but an indispensable part of the duty of auditors, in respect to issues made under Treasury regulations, to ascertain how far those regulations had been obeyed or violated. No audit can be effectual from which such an inquiry is excluded; yet the difficulties attending it suggest the following observations on the part of Mr. Romilly: "To conduct such an "examination would require great tact and judgment. *If explanation were called "for, the Secretary of State would be apt to consider the interference of an inferior "Board with his functions an act of troublesome impertinence.* The proper prin- "ciple is that the auditors should not only act as appropriation auditors to Parlia- "ment, but as agents of the Treasury for ascertaining that all rules emanating from "them have been followed. This principle would affect not only the Secretary of "State for War, but the other Secretaries of State and high functionaries, who "would be peculiarly impatient under any such control; in other words, the prac- "tical application of the principle, however just and logical in itself, would be "open to serious difficulties" [*Lords' Papers*, 292, 1856, *p.* 52] He is asked [*Question* 4390], "Does the officer who checks the Appropriation Audit enter into "a consideration whether the orders and regulations of the Treasury have been "strictly obeyed?" The reply is, Certainly not."

17. Observance of Treasury regulations not ascertained.

18. I have already adverted to the necessity felt by the Parliament of 1806 of making the Board of Audit independent; and for this purpose it will be remembered the auditors hold their offices *quamdiu se bene gesserint*; but all consideration of this vital principle has been lost sight of in the Appropriation Audit. That audit, a principal object of which ought to be that of controlling the acts of the chiefs of the high departments of the Government, and bringing their conduct under the immediate notice of the House of Commons, is carried on, not by independent auditors, but by Audit Office clerks selected by the Treasury, and removable by that Board, thus owing their nomination and looking for their promotion and reward to the first financial department of the State. These clerks alone can bring into operation the higher functions of the auditors. The following question was put by the Committee on Public Monies to Mr. Vine, the Appropriation Auditor [3318]: "The Audit Board I take for granted would have no action unless it was "brought before them by their officer?" The answer is, "None." This position of the Appropriation Auditors appears to me to strike at the very root of the independence of the office.

18. Appropriation Audit, not by independent auditors, but by subordinate officers, dependent on Treasury.

19. Nor is this the only objection to be raised against the system. The inquiry is carried on, not at the Audit Office, but within the very walls of the departments which it is proposed to control. The influence which may, or rather which must, be

19. Liable to local influence of departments.

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be exercised under such circumstances is obvious. This has not escaped the penetration of Mr. Romilly; and with the frankness and the integrity which distinguish his character, he has not hesitated thus to describe it [4399]:—"There is always a "risk," he observes, "in checking the accounts of any department by officers placed "in that department, that these officers will become part and parcel of that depart-"ment, be more influenced by the views and feelings of that department than by "those of the office to which they belong; and that instead so much of checking they "will often be advising and carrying on the work of the department in which "they are placed." These observations apply to the existing Naval and Military Appropriation Audit. But, the objection taken will not only be continued, but augmented, if the same system be applied to the accounts of the Treasury. Mr. Romilly's judgment on this question is equally clear, and still more important. He proceeds to observe, "This danger is increased very naturally when the department "in question is the highest in the State, and has the greater amount of the patronage "of the country at its disposal. In order, therefore, to prevent this check from "either degenerating into an idle form and becoming a mere delusion, or giving rise "to interminable difficulties, I think it essential in respect to the Treasury that the "necessary returns and accounts should be periodically sent to the Audit Office, "and that the auditors should be invested with a power of local inspection. The "auditors should have the power of appointing from among their own office, and "changing as often as they thought fit, the inspectors of Appropriation Audit; also "the power, if not of appointing, at least of dismissing any of their other officers "without appeal to the Treasury. The salaries of subordinate officers lately made "subject to annual vote should be paid out of the Consolidated Fund, as formerly "by the 25th of Geo. 3, c. 52, s. 35. The efficiency of the check would depend on "the adoption of these principles and upon the Commissioners having the power of "reporting direct to Parliament when they thought it necessary to do so." The witness had previously stated in more general terms: "I think placing one of such officers at "the Treasury would not be a desirable mode of checking the expenditure. *It would* "*be a system that could hardly command confidence, and would not be entitled to it.* "If great duties, such as those of checking the Treasury, were imposed upon us, "the difficulty would be very considerable" [4397]. The objections raised by Mr. Romilly are fully supported by the detailed account given by a high officer of the War Department of the mode in which the Appropriation Audit is now conducted. It proves how correct the *à priori* judgment of Mr. Romilly had been. Mr. Hollings describes the operation to be as follows: [4637.] "My understand-"ing in the early days of the audit (and I believe up to the present time) was, "that to save trouble and correspondence it was very desirable to dispose of as "many questions within the walls of the building as possible; and it was considered "right that in any case in which an auditor did not feel that a particular record "was correct, he should call the attention in the first instance of the *book-keeper* to "it, and it might be that he would at once see that it was wrong, and it would be "set right, and there would be *an end of the auditor's duty* in that particular case. "But if the book-keeper felt that he was not competent to agree with the auditor, "he would then submit the question to his superiors; and if the decision was that "the entry *should be made to correspond* with the auditor's conclusion, *then again* "*there was an end of the business*, and only in those cases in which the department "could not agree with the auditor was it supposed that reference would be made to "the Commissioners of Audit, inasmuch as there could be no necessity for such "reference in the other cases." It is abundantly clear from this extract that in place of an efficient control by an independent officer, cases of doubt may be disposed of altogether by communications with inferior and to a certain extent irresponsible officers of the department, and that any amount of transactions, even the most important and questionable, may be completely withheld from the knowledge of the auditors themselves.

20. Too late for efficient control.

20. A further insufficiency is shown to exist as affecting the Appropriation Audit. This arises from the delay which must necessarily take place before its completion and communication to Parliament. Sir Henry Parnell, in his Report upon Army Accounts [*Naval and Military Accounts*, 160, *Session* 1856, *page* 21], adverts to the great delay in examining and passing accounts as one of the reasons why the Audit Office had failed as a check upon the Treasury. The same fact is fully recognised in the Treasury Minute, 3d December 1841, (*same paper*, p. 49,) which contains the following strong statement: "My Lords particularly

"desire

"desire that the Committee will bear in mind that no audit, however searching "and complete in other respects, can be considered to furnish that check over the "public expenditure which it is the sole object of an audit to provide, if any "considerable interval is suffered to elapse between the period when the expen- "diture is incurred, and the period when the accounts are finally passed, or a "demand is made for sums disallowed." It is obvious, from every day's Parliamentary experience, that the lapse of time not only deadens the public attention on the subject of any complaint, but also furnishes a common, though perhaps not very just argument against remedial measures proposed for adoption. There is great weight in the joint observations of Sir C. Trevelyan and Mr. Anderson on the re-arrangement of services charged on the gross revenue [*Appendix to Report on Public Monies, page* 568], "That such a revision of the expenditure, after it has been "incurred and paid, falls more properly within the province of the department of "Audit, and *that it comes too late for efficient Parliamentary control.*" Those words strictly apply to the time which must now elapse before the Appropriation Audit is completed and communicated to Parliament; it comes too late. Mr. Vine, the Appropriation Auditor, says (Q. 3780): "It is impossible to say whether a Vote "has been exceeded or not till the whole of the expenditure has been recorded "and the accounts closed." It might possibly be 18 months after the event that irregularities would be reported. Does not this furnish additional reasons for adhering to the preliminary controlling check?

21. Proposed extension of the Appropriation Audit to the whole public expenditure.

21. These difficulties and insufficiencies in the present Appropriation Audit having been noticed, it remains to be considered how far this system may be extended successfully to the whole public expenditure as now proposed, to be relied on as the sole instrument of efficient financial control. The Memorandum very justly recommends that the whole of the accounts of the Treasury, the Miscellaneous Services, and the charges upon the Consolidated Fund, should be brought under the notice of the Appropriation Auditors. This is perfectly right; but the check of the auditors to be efficient cannot be left in its present state; the Auditors should possess more power, and that power should be exercised in a manner less liable to temptation or influence. Mr. Romilly observes, "In the army and navy the check is one in the success of which "the Treasury are greatly interested. But the case would be very different if the "check were to be exercised not by, or on behalf of, the Treasury, but over them." I have already expressed in my evidence the pressing necessity of submitting my own accounts as Comptroller-general of the Exchequer to the examination of the Board of Audit: 170 quarterly accounts have, under the direction of the statute, been regularly furnished to the Auditors, including the enormous amount of £.1,676,230,000 of public money issued since 1834. Those accounts have been furnished by the Exchequer with undeviating punctuality; not one of them has been examined. I have no power myself of claiming an audit; but in December last I applied to the Treasury on the subject, informed them that I was prepared with all the vouchers for the 23 years that had elapsed since the formation of the office, and respectfully suggested that, in conformity with all the evidence taken before the Select Committee, those accounts should now be examined. The answer which I received, though a negative to my application, was, I think, natural and prudent, expressing the intention of the Treasury not to alter the present practice, as the Public Monies Committee had not at that period completed their inquiry.

22. Not to be relied on as an adequate single check against over-issue or misappropriation.

22. I consider the principle of an Appropriation Audit to be absolutely necessary to the security of the public; but I altogether demur to its being a sufficient security, in itself; or one which, if adopted singly, can be relied on as an adequate check against over-issue, or misappropriation. Events have occurred and disclosures taken place in Parliament, even during the preparation of this paper, which demonstrate conclusively the insufficiency of the Appropriation Audit. The Reports on Works and Buildings, presented in 1855, 1856, and 1857, are before Parliament. It has been officially announced that these accounts are now brought under the control of the Appropriation Audit. It may be asked whether that audit has been effectual in preventing, exposing, or correcting violations of the law by the misapplication of public money. No such thing. The indefensible abuse respecting the Vote for the Duke of Wellington's funeral, and the later and still more extraordinary expenditure in St. James's Park, without Vote or Parliamentary authority,

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authority, are conclusive evidence against the Appropriation Audit as a sole check. Its efficacy ought not to be exclusively relied on. It is of the utmost importance in aid of a previous control; it will fail if adopted as a substitute. The one authority should ascertain the legality of the issue, the paymaster should make the payments, and the auditors should check the expenditure. These processes are distinct, and ought not to be confounded.

23. Audit Board in its present constitution necessarily unfitted to control the Treasury.

23. My doubt is, whether the constitution, usages, and practice of the Board of Audit, the laws under which they act, and the authority exercised by the Treasury over their proceedings, does not necessarily unfit them from exercising an independent control over the Treasury itself. It is true that it might be possible to render the Auditors independent of the Treasury for the purposes of this control. But that, the plan does not profess to do, and it would be very difficult to give to the Auditors a full power of control over the Treasury in one respect, when in all others they were bound to be subordinate and obedient.

24. Proposed duties impose too much labour and responsibility on Audit Board.

24. But if the case were otherwise, it is more than doubtful whether the complicated duties cast upon the Auditors by the "Memorandum" can justly be imposed upon them, or can be performed by them, notwithstanding the zeal and ability which they have brought to the public service. The accounts submitted to them for audit are still very considerably in arrear, not owing to their neglect, but to the delays of accountants. The energy of the present Board is shown in the diminution of unaudited accounts now outstanding. Since the creation of the original Audit Board, its business has continually increased; subordinate Boards of Audit have been abolished; the business of the Auditors of Land Revenue, Comptrollers of Army Accounts, Colonial Auditors, and Commissioners of Accounts in Ireland, has successively been transferred to the Audit Office at Somerset House, and the tendency of the present day is to increase rather than diminish their work. It seems to me very doubtful whether it is reasonable to expect they can undertake new duties, which, if not made entirely formal and unmeaning, will require an amount of judicial labour and determination more extensive and oppressive than any of their present functions.

25. And are inconsistent with their other functions.

25. In addition to this, to vest in the Auditors, who are called upon to examine into past expenditure, a prior duty of controlling issues, seems to be inconsistent in itself, and entirely subversive of that principle of the division of labour, upon which the success of any system of control must depend. No man can appreciate more fully than I do the merits and the importance of the Board of Audit. But to maintain their usefulness, I think it indispensable that they should not be charged with conflicting duties. The complication of the proposed system is also most objectionable. This observation is the more important, because many of the duties proposed to be assigned to the Auditors are duties to be executed in combination with the Treasury and other departments, and combined work and responsibility is that which inevitably produces delay. If it is meant that the Auditors, when required to affix signatures and certify accounts, are bound to give a sanction to issues, and thus to exercise any real control, they must be entrusted, as I am, with a power of withholding their sanction and approval until "they shall have first satisfied themselves that the issue directed, or the account "produced, is strictly according to law." If this power is to be exercised by them in relation to all charges on the Consolidated Fund, all issues for supply services, the authentication of all Exchequer Bills, and the accounts of income and expenditure, it is obvious that these duties will demand an amount of labour, as well as of responsibility, new to the Auditors, and of equal difficulty and importance. If on the contrary it is not proposed to entrust them with this power of absolute veto and disallowance, then I cannot but feel that the Memorandum imposes upon them duties which, assuming the semblance of control, certificate and verification, afford no real security to the public, and are irreconcilable with the high position and functions of the Auditors.

VI.—NEW FUNCTIONS PROPOSED TO BE ASSIGNED TO THE AUDITORS.

1. How far the Audit Board as at present constituted, and restrained by law, is capable of exercising the authoritative control over the principal financial department of the Government—the Treasury—has been the subject of previous inquiry. How far the Appropriation Audit can be relied on to furnish such definite and early information to Parliament as shall check all misappropriation, and justify the withdrawal of all control upon the issues, may be decided by a review of the evidence quoted from the Report on Public Monies. But independently of these considerations, and even assuming that an audit after expenditure, together with an improved system of account, would in themselves afford sufficient security, it becomes necessary to inquire into the manner in which the "Memorandum" recommends that the new functions of the auditors should be performed.

1. Proposed mode of performing new duties of Auditors.

2. It is scarcely necessary to repeat that the practical principle affirmed in the "Memorandum" is the discontinuance of all preliminary check on the issues, as being "a deception upon the public" (Memorandum, p. 4). The supposed impossibility of enforcing a preliminary check is relied upon as a sufficient reason for its abandonment. It is, therefore, somewhat difficult to reconcile with this principle the statement in the Memorandum (page 9), which connects with "the abolition of the office of receipt of Her Majesty's Exchequer *the transfer of its functions of control to the Audit Board.*" It is, however, far from being true, that any such transfer of these powers is proposed. It will appear, on the contrary from the following statement that the recommendations in the Memorandum are of a very different character. In proof of this, it is necessary to consider closely what are the new functions to be exercised by the auditors, and to examine how far they will be effectual for any good purposes.

2. Alleged impracticability of preliminary check on issues, inconsistent with proposed transfer of Exchequer functions of control.

3. The "Memorandum" (p. 10) proposes a revision of the Treasury Accounts, and the preparation of two Accounts for Parliament, the Cash and Service Accounts. Both these Accounts are proposed to be *certified* by the Commissioners of Audit. The "Memorandum" does not state in what manner and after what examination this certificate is to issue, nor yet what authority it is to possess. Will the auditors be permitted to object to and disallow any entries in this Account? If they are not, the certificate will become a barren official formality. Besides which, if the integrity of the ordinary Treasury Accounts laid before Parliament is not to be relied upon, unless those accounts are under-written by the auditors, I know not how that department can be trusted with its more important duties.

3. Revision of Treasury accounts, to be *certified by Audit Board.*

4. It is next recommended (p. 12), that a copy of the Ways and Means Acts should be furnished to the Banks of England and Ireland, accompanied by a *certificate* showing the proportions of the Ways and Means to be issued at those Banks respectively. This certificate is required to be *countersigned by two of the Commissioners of Audit*, and it then becomes the legal authority for transfer of monies by the Banks. The formal transmission of a public Act of Parliament to the Banks, of which Act, without such transmission, they would be bound to take notice, appears to be a mere attempt to give a semblance of a new check where no such check is created. The *certificate of the apportionment of Ways and Means between Great Britain and Ireland*, brought under the authority of the auditors, is an equal absurdity. This apportionment is a duty which must be exercised exclusively by the Treasury as the organ of the Government. It is wholly a matter of political discretion. The auditors cannot by possibility have any knowledge, or exercise any control upon the question. This proposed certificate is therefore wholly unmeaning. But if it possessed any real authority, no suggestion is made in respect to the manner in which subsequent variations of purpose by the Treasury on the subject of this apportionment are to be carried into effect. Yet such variations of apportionment are likely to arise from time to time. A surplus of revenue in either country, or an unexpected increase of

4. *Certificate* of apportionment of Ways and Means, to be *countersigned by two Auditors.*

 expenditure,

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expenditure, may render it necessary, even within a single quarter, to extend or to restrain the relative proportion of these issues. Is the farce of the auditors' certificate to the Banks to be repeated on all these occasions, more especially as the propriety of exercising such a discretion on the part of the Treasury is a question on which the auditors must be profoundly ignorant?

Put forth as sole check—would really give uncontrolled power to the Treasury over Ways and Means.

The "Memorandum" states (p. 12), that "by this simple arrangement, any issue "beyond the sum authorised by Parliament, would be effectually guarded against, "whilst the present useless and objectionable practice of making the department "of check the medium of authorising the issues in detail would be avoided." This very simple arrangement, as it is called, would have the effect of repealing every existing check upon the previous appropriation of public monies, enabling all Ways and Means to be used indiscriminately without restraint of time, place, or appropriation. No Sovereign of England, even during the times of the greatest abuse of prerogative, ever ventured to make such a proposition to a British House of Commons. If the Treasury should hereafter seek by its own authority, as it has done, to apply to the service of one year Ways and Means provided by the Legislature for the service of another, how would the certificate of the auditors throw any impediment in the way of so unconstitutional an usurpation?

5. *Verification and certifying* of Consolidated Fund charges.

5. It is proposed that the amount of charge on the Consolidated Fund should be "*verified*" by the Commissioners of Audit, and made the subject of a *certificate* similar to that suggested for Supply Services, which certificate will then become the legal authority for the transfer of limited sums. The charges on the Consolidated Fund, not including the debt, amount on an average to about 2,000,000 *l.* per annum. These include five schedules for English services; one for Scotch, and four for Irish, in each quarter. The number of separate issues authorised in each quarter may be stated as above 800. Each of these requires consideration, and under the present system receives it. Changes in these schedules occur by reason of alterations of the law, deaths of parties, change in the rate of salaries. In addition to the duty of checking these charges, the repayment of unexpended sums is also to be attended to. Are all these matters to be examined by the auditors before they sign their verification and certificate? If they are not, and the whole duty is performed by sanctioning the issue of one gross sum for each schedule, the nominal verification proposed to be given will not be worth the paper on which it is written.

I have already called the attention of the Committee to the significant fact that this inspection of the charge on the Consolidated Fund now proposed to be made by the auditors before verification, is the very function which was arbitrarily withdrawn from the Comptroller-general, by whom and by whose predecessors it had been invariably exercised in fulfilment of their duties. If rightly withdrawn on that occasion, why is it now proposed to be renewed? The fact is, it was withdrawn from a desire to escape control; it is now renewed to appear to give some faint semblance of authority to the auditors, which it fails in doing. Whether that authority is real or fictitious depends upon the answer to the following question: Are the auditors to possess a full power on their own responsibility of refusing and rejecting any charge on the Consolidated Fund which they consider illegal? If they are, this amounts practically to the exercise of a preliminary check upon issues, already so strongly condemned by the Memorandum as impracticable and illusory. If they are not, their *verification, certificate,* or whatever it may be called, deserves the name—so often applied in similar cases by Mr. Carlyle—of "a mere sham."

But it is even worse. How are the auditors, after having given such verification or certificate, to deal with the subject of the same payment when it comes before them subsequently, in the audit of expenditure? Can they disallow at the subsequent stage that which they have verified and certified in the preceding one? Will not this attempt to combine under one authority conflicting and irreconcilable duties inevitably restrain and perplex the judgment of the Audit Board, and cripple them in the exercise of their ultimate and legitimate functions?

6. *Certifying* issues from growing produce.

6. The provision for making issues for payments out of growing produce, under the authority of the joint certificates of the Treasury and Audit Board, is open to all the objections which I have just stated, and possesses some absurdities peculiar to itself. These charges, not being susceptible of precise ascertainment, are proposed to be made a matter of Estimate. What possible authority can be given

given to such estimate by the verification of the auditors? And must not that verification degenerate into a mere form, except so far as it conveys an unrestrained authority of issue to the Treasury, within the limits of the Treasury Estimate?

7. *Verification* of amount of Bank advances, and of Deficiency Bills.

7. It is proposed in the "Memorandum" that the authority for making advances by the Bank to the Government, or for the issue of Deficiency Bills, should likewise be *verified* by the Commissioners of Audit. The amount which may be required to supply a quarterly deficiency depends upon the examination of the charges upon the Consolidated Fund, when, by comparing such charges with the Exchequer balance, the amount of surplus or deficiency can alone be ascertained. The difficulty, if not the impossibility, of checking this charge by the auditors has already been alluded to (s. 4). But a similar certificate, which had been uniformly furnished by the Exchequer as a check upon the issue of Deficiency Bills, has been in 1854 necessarily discontinued by the Exchequer, as the document from which it could be furnished has been withheld; and a declaration has been made by the Treasury, that for the future no check upon the issue of Deficiency Bills was required, or would be admitted. Is there any security that the recommendations of the "Memorandum," if now adopted, would be acted upon and persevered in, when a similar regulation has been so lately arbitrarily set aside?

8. *Certificate* of book debt, if Deficiency Bills discontinued, *countersigned* by two auditors.

8. It is also recommended that a *certificate* from the Treasury, *countersigned by two Commissioners of Audit*, should be issued to prevent any excess in the temporary loans obtained from the Bank in the shape of a book debt, if Deficiency Bills are to be hereafter discontinued. But if these loans are converted into a book debt as recommended, varying from time to time, according as the receipt of revenue is applied to clear off advances, and as further advances may be demanded, is this certificate to be given at the commencement of every quarter, or from day to day, to meet the variations of account?

9. *Countersignature* of Exchequer Bills.

9. The objections to the *counter signature* of all Exchequer Bills by a Commissioner of Audit, or an audit officer appointed by the auditors, will be alluded to in the chapter on Exchequer Bills; suffice it to say that in all these cases such combined action between two independent departments cannot fail to produce confusion and delay. It will produce likewise a divided responsibility, which frequently ends in being no responsibility at all. This serious objection applies to the whole of this proposed system of check and counter check, in which now one auditor, now two auditors, now the auditor and the Treasury, now the auditors and the Bank, and now a subordinate officer of the Board of Audit, have to verify, to certify, to countersign, and to execute their ill-defined duties. An Interpretation Clause would be a useful addition to the "Memorandum."

Serious objections to proposed system of check and counter check.

VII.—FINAL PARLIAMENTARY CONTROL, AS RECOMMENDED.

1. Necessity of strengthening control of Parliament over issues and expenditure, suggested by Comptroller-general.

1. In the last Session I called the attention of the Committee on Public Monies to the necessity of strengthening the control of Parliament over the Exchequer issues, and the detailed expenditure of the public money. I strongly urged the necessity of an audit of the Comptroller-General's accounts, and of reports made at least annually, and oftener if need be, from the Exchequer to Parliament, such reports containing all cases in which any violation of the Appropriation Act or irregularities regarding the issue of the public monies had been complained of. At the same time I adverted (Q. 2852.) to the recommendation of the Royal Commission of 1831, "that a law should be passed constituting a commission of "persons to be chosen annually by the House of Commons, and independent of "the Government, to examine the Comptroller-General's accounts, and to report "their opinion thereon to The House." It is not without much satisfaction that I find the principle of this suggestion adopted in the "Memorandum," pp. 3 and 25.

2. Principle of these suggestions adopted in the Memorandum, but ill applied.

2. I may be permitted, however, to doubt whether the recommendations given apply this principle in the most convenient and effective manner, and whether they rest on an accurate statement of the law and custom of Parliament.

3. Plan in the Memorandum stated.

3. The plan recommended in the "Memorandum" is as follows: That at the commencement of every Session the House should nominate a small Finance Committee consisting of four Members, with the Speaker, and that within a given time after the close of the financial year, ending on the 31st March, there should be laid before such Committee two sets of accounts, the cash account and service account, signed by the Secretary of the Treasury and two Commissioners of Audit; and that these accounts should be *revised* by the Finance Committee, and returned to the Treasury with their remarks. The Government should be required to lay these accounts before the House of Commons, and to move on a future day *that they be received.*

4. Distinctions between the two propositions.

4. The principal distinctions between the two modes of applying the salutary doctrine of Parliamentary control are, (1) that the examination of these accounts, as recommended by the Royal Commission of 1831, is before a tribunal consisting of persons annually chosen by the House of Commons, but not necessarily Members of Parliament, whereas the "Memorandum" prefers the more direct agency of four Members of The House, presided over by the Speaker; (2) That the accounts to be examined should be the accounts of the Treasury officer, rather than those of the Exchequer. I should prefer that both accounts should be referred to this proposed Finance Committee.

5. Analogous duties performed in France.

5. It may not be without some advantage to consider the mode in which analogous functions are stated to have been performed in France. The Sixth Report of the Committee on Ordnance Expenditure (6 December 1845) describes these duties, and how they were then executed.

"In addition to the Court of Accounts, the members of which hold their situa-
"tions permanently, the king appoints annually a Commission, composed of three
"Members of the Council of State, four Members of the Court of Accounts, and
"three Members of the Legislative Chambers. The Members of the Commission
"examine the general character of the annual accounts passed by the Court of
"Accounts before they are exposed to public discussion; they trace the results
"through the books in which they are recorded, and verify the agreement of the
"totals with the details. The Commission draws up a report to the king, which is
"laid before the Chambers, to assist them in the revision of the accounts; *in that*
"*report every misappropriation of the grants is pointed out*, and a tabular statement
"is presented, showing the receipts and expenditure of the year, as proved by the
"decree of the Court of Accounts."

6. Committee the best judges between the two propositions;

6. Reverting to the two propositions, that made by the Commissioners in 1831, and that contained in the "Memorandum" of April 1857, I should feel it to be the height of presumption on my part to express an opinion whether a Committee of four Members of Parliament, with the Speaker, or a special Commission, to be annually named by the House of Commons, would form the best tribunal for the discharge of these new and important duties. The Committee at whose desire this paper is prepared, are themselves the best judges how far these new functions will be consistent with the peculiar duties of the Speaker and with the pressing Parliamentary business cast upon him. They will also be able to decide whether the duties of Chairman of the proposed Financial Committee of five, who must be called on to review, and may be called on to denounce the conduct of the Government of the day, might not disturb and endanger that calm impartiality and absence of party feeling so essential to the position of one who has the honour of filling the chair. These are high questions, into which I feel it unbecoming in me to enter.

and of the new functions assigned to the Speaker in the Memorandum.

The Speaker's present duties misstated.

But when I find it stated in the "Memorandum" as a reason for assigning these laborious and most embarrassing duties to the Speaker, that "he is considered "as representing the House in all matters of finance brought before it, to control "all proceedings in reference thereto" (*Memorandum, p. 3, see also p. 25*), I entirely demur to this statement as a matter of history and of Parliamentary law. The authority of the Speaker is to guard against any violation of the privileges of the Commons, and to take care that in financial, as in all other questions, the orders of the House are not infringed; and as among the usages of Parliament none is more important or acknowledged than the rule that Ways and Means must not exceed the Supply voted, the attention of the Speaker is officially directed to this, which

which is an arithmetical rather than a political question. And if any violation of this great and fundamental rule were to take place, it would be obviously the Speaker's duty to bring the question before the House of which he is the organ: but to describe the Speaker, who is incompetent to make a common motion in the House, as being one who is considered "to control all proceedings in reference "to finance," is, I submit, a statement utterly irreconcileable with all authority and precedent.

7. Other objections to the proposition of the Memorandum.

7. There are other objections, however, to the recommendations of the "Memorandum," on which I may venture to observe. I doubt whether it is either usual or constitutional that a Committee of the Commons should lay papers before the Treasury, or any other department. The Committee are bound to make their report to the House; that is their sole and proper function, which they should not be permitted to exceed. It will then be for the House of Commons itself, either by address or on motion, to take such steps as circumstances may render expedient. To the proposed motion, that "*these accounts be received*," if it is thereby meant to give a Parliamentary sanction to the accounts by a *single vote*, the most serious and obvious objections will present themselves. Thus to adopt and affirm one of the quarterly balance sheets would not be the most prudent of all acts, but to give an unqualified assent by one vote to the substance of the whole blue book on finance accounts, appears to me most rash and unreasonable.

VIII.—EXCHEQUER BILLS.

1. Mode of preparing Exchequer Bills.

1. It is proposed [*Memorandum, page* 14,] to make an important change in the present mode of preparing and issuing Exchequer Bills. This change deserves consideration. Since the first introduction of Exchequer Bills by Charles Montague, in the reign of William III., these securities have been uniformly prepared and executed within the walls of the Exchequer. Till the year 1842 an engraver was attached to the Exchequer; the plates were executed by him in the office; the printing was carried on in the office likewise, and all the farther stages of the proceeding were executed there by the officers of the Exchequer. The present system was adopted in 1842 after a full inquiry by a Royal Commission appointed by Sir Robert Peel. The results of that inquiry and the precautionary measures introduced were communicated to Parliament, and have been since adhered to, without complaint or inconvenience. No step whatever is permitted to be taken without a written Treasury authority. The paper is prepared under the joint inspection of an officer of the Exchequer, and of the Excise; it is of a peculiar description, manufactured by Messrs. Dickinson & Co., with machinery exclusively employed for this service. The engraved plates, as well as the original dies, which are elaborate works of art, are deposited in the Exchequer till required for the use of the printer. On receipt of the Treasury Warrant these plates are conveyed to the printing establishment of Messrs. Perkins & Co., and the printing is carried on under the superintendence of an Exchequer officer. The date of issue, and the rate of interest are stamped on the bills by a distinct operation. The bills are printed with two counterfoils; when these proceedings are completed, they are transferred to the Exchequer; they are then sealed, signed, and countersigned; the whole number of bills delivered by the printers are completed within the course of the day of delivery; they are then deposited in an iron chest in a fire-proof room, the two counterfoils being first cut off from the bills. One series of those counterfoils is placed at the Paymaster-general's Office, the other is preserved at the Exchequer, for the purpose of verifying the bills by the Paymaster before payment or exchange, and also by the Exchequer in case any subsequent question should be raised as to their genuineness. Each step of this process is vouched and recorded. The order given to the paper manufacturer specifies the exact quantity to be made; this quantity he cannot exceed, as the machinery required for the manufacture is placed in the joint custody of an officer of Excise and an Exchequer officer. The manufacturer is charged with the number of sheets ordered and completed: he is discharged by the number of the sheets of paper delivered by him to the printer; the printer is charged with the number of sheets so delivered, together with any spare paper or impressions taken out of stock; and is discharged by the number of engraved bills delivered at

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the Exchequer in a perfect state, together with the number of imperfect impressions, and the spare bills and spare paper. The Exchequer itself is charged with the number of bills delivered by the printer, whether perfect or imperfect impressions, and with the spare paper, and is discharged by the number of bills delivered to the paymasters for exchange, together with the imperfect impressions, which are destroyed in a stove within the office, and the spare impressions and paper are taken into store, to be applied when required for the future public service. A record is preserved, showing the number of bills prepared for each exchange; by whom those bills are signed, whether by the Comptroller-general or the Assistant-comptroller; by whom countersigned, each bill requiring the counter-signature of an Exchequer officer; and the number and denomination of each bill issued. In this way should any question arise with regard to these securities, at a moment's notice evidence can be given of all the particulars of each particular bill, to prove its preparation and issue. At the close of the year, after the audit of the Paymaster's Account has been completed, the bills previously cancelled are retained as vouchers at the Audit Office, and, under a Treasury Warrant, the counterfoils held by the Paymaster and the Comptroller-general are destroyed. Before the payment or exchange of a single bill, the officers in the Pay Office are required to compare each bill with the counterfoil in their possession, and in case of doubt, to refer the matter for the decision of the Comptroller-general.

2. Regularity of process, and effective check.

2. This effective system of check, applied from the first order for the manufacture of the paper to the ultimate destruction of the counterfoils after the final audit of the accounts, takes place under the responsibility of the Exchequer, with perfect regularity and despatch. The time required for the process is measured by the time required for completing the papermaker's and the printer's work. The business of the Exchequer itself is executed as rapidly as the impressions of the bills can be delivered; and no portion of the work is allowed to be in arrear or to pass over from one day to another. In this manner 757,226 bills, of the value of 777,303,098 *l.*, have been prepared and issued since the year 1834, the date of the appointment of the Comptroller-general; the whole being, as described, carried on by the officers of the Exchequer, or under their inspection. The completion of these bills is, in fact, the creation of a public debt, a duty which hitherto has been confided exclusively to the Exchequer, under the direction of the Treasury. I have felt it my duty to give this detailed account of the mode of preparing Exchequer Bills, because no information upon the subject appears in the Minutes of the Select Committee; and it is important, if this duty is to be transferred at all, that its details should be known to the Committee, and also to the parties who may be called upon to undertake them.

Now performed exclusively by the Exchequer.

3. Recommendation of the Exchequer Commission, to prepare bills at Treasury, not complied with, in 1834.

3. The Report of the Select Committee of 1831 recommended that the business of preparing and issuing Exchequer Bills should be separated from that of paying them. This had been already affected in 1808, under 48 Geo. 3, c. 1; at present the preparation of these bills is carried on at the Exchequer exclusively; the payment has been confided to the Paymaster-general since the abolition of the office of Paymasters of Exchequer Bills. The same Report recommended "That the "management of Exchequer Bills be also transferred to the Treasury;" but that "every such bill should be countersigned at the Exchequer before it obtained "a legal currency." This transfer to the Treasury was not carried into effect, and that decision was formed advisedly. If, according to the Report of 1831, there had been a Treasury as well as an Exchequer signature required, considerable delay and risk would have been the consequence of this combination between two separate departments; a divided responsibility would also have been a necessary and dangerous consequence. On these grounds the present plan, deliberately adopted and preferred to that of the Commissioners, has been adhered to. Under both plans, the execution of the whole process, including the paper-making and printing, was directed to take place under Government superintendence.

4. Plan of Mr. Anderson maintains the principle of the preparation of Exchequer Bills by the Government.

4. In the evidence given in 1856, Mr. Anderson recommended [1785, 1786, 1787] that the plan of the Commissioners of 1831 should be carried into effect, and the preparation of Exchequer Bills transferred to the Treasury; thus adhering to the principle of a Government execution of this public duty. He expresse his conviction that there was no danger of over issue to be guarded against, it not being apprehended that the Treasury would ever exceed their powers in making out these securities. He thought there was no connexion between the business of the

Exchequer

Exchequer and the preparation of bills, except that the Comptroller "*may say*" that he checks the Treasury, and sees that they do not issue more bills than the law authorises. He adds distinctly, "I apprehend that the Commissioners of 1831 never contemplated that the Treasury would exceed their powers for raising money, or that a check was wanting to guard against such abuse." He was entirely mistaken in this. The counter-signature of the Exchequer was recommended in the Report of 1831, for the express purpose which Mr. Anderson states could not have influenced the minds of the Commissioners; that purpose being the establishment of a distinct control over the Treasury, to guard against abuse. The following words of the Report are clear and explicit on the subject [p. 102]: "To prevent the issue of any Exchequer Bills beyond the amount authorised by "Parliament, it should be provided that every such bill be countersigned at the "Exchequer before it can obtain a legal currency." Appendix, No. 3.

5. The plan contained in the "Memorandum" abandons altogether the views of the Commissioners in 1831, and sets aside the recommendation of Mr. Anderson in 1856. This plan appears to me the most exceptionable of the three propositions. It proposes that the whole work and responsibility of preparing, issuing, paying, and exchanging these securities should be transferred from the Exchequer and Pay Office to the Bank of England. This is, in fact, for the first time placing in the hands of a private corporate body the execution of these delicate and important official duties hitherto performed by the State. The creation of an unfunded debt, the guard against the risk of forgery, the comparison of the bills with the counterfoils, and I presume the responsibility for the whole of this transaction, is proposed to be placed in the hands of the Bank of England. A return made to the Bank Charter Committee in 1832 shows that the average annual loss sustained by the Bank from 1822 to 1831 inclusive, was no less than 40,204 *l.*, or a total sum of 402,040 *l.* from forgeries on the public funds. How the Exchequer Bill duties are to be performed, and at what expense to the public—on whom the possible losses from fraud or forgery are to fall—under what regulations the manufacture is to be carried on, is not explained in the Memorandum. 5. Plan of the Memorandum abandons this Government check.

It is true that in conformity with the sound principle laid down by the Commissioners in 1831 of placing some restraint against an excess of issue, beyond the authorised amount, it is required in the "Memorandum" that there should be affixed to every bill the counter-signature of an auditor *or of an officer of the Board of Audit*, to guard against the danger which Mr. Anderson denied to exist. No explanation is given how this combined duty is to be performed between the Bank and the auditors, nor is it stated by whom these bills are to be signed before their counter-signature by the auditor. Is this work to be partly done at the Bank and partly at the Audit Office? If so, those consecutive operations must produce delay and risk; the whole plan must involve a divided responsibility. Or are those securities, payable as they are to bearer, and transferable by delivery, to be sent from the Bank to Somerset House and from Somerset House to the Bank? As it is stated that the counter-signature of the Audit Board is to be a check against undue issue, is the auditor, or any officer nominated for that duty by the Audit Board, perhaps a junior clerk, to be intrusted with the power of refusing to obey the command of the Lords of the Treasury, should their command require an undue issue of bills? To make this check effective, the auditor, or perhaps a junior officer nominated for that duty, should have the same powers as the Exchequer now possess, of absolutely refusing to execute what he considers to be an illegal command. Is it intended that he should possess and exercise such powers? If it is, this should be plainly stated. If it is not, the counter-signature of the auditor becomes a useless form and a mere delusion, insufficient to realise its declared intention. But admits the necessity of a check against issues in excess.

6. It may be suggested, as a matter not wholly undeserving consideration, whether it is expedient on public grounds to transfer to the Bank of England the function of creating unfunded debt, which, since the first issue of Exchequer Bills, has been, for more than a century and a half, exclusively confided to the responsible officers of the State. This is a novel principle, and to me it appears a most dangerous one. It amounts to the adoption of the Bank as a department of the State, charged with executive duties wholly foreign to its proper functions. These unfunded securities, it should be remembered, differ in essentials from the funded debt. They are written obligations payable to bearer, transferable without 6. Objection to the adoption of the Bank as an Executive Department of the Government.

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endorsement, by mere delivery. The Commissioners of Inquiry, the Government itself, and Parliament have considered their preparation and issue to demand precautionary measures, which can hardly be realised in the establishment of a great commercial company, to whom these duties would be subsidiary to their own private functions.

7. Mr. Masterman's proposition submitted to Exchequer, but objected to.

7. The "Memorandum" further recommends that the suggestions of Mr. Masterman should be adopted, that the annual exchanges of Exchequer Bills should no longer be made compulsory, but that the security of the Exchequer Bills should be continued for a prolonged period, at the option of the holders. [*Memorandum, page* 18.] This proposition was made by Mr. Masterman in the year 1853. Upon that proposition I was called upon to report to the Chancellor of the Exchequer. I stated the serious objections which I felt. [*Appendix to Public Monies Report, No.* 13, *page* 792.] These objections are not noticed by Mr. Anderson. They were, however, considered by the late Chancellor of the Exchequer, and the proposed change was not persevered in. Exchequer Bills are, in fact, a Government paper money. Any change which lessens or appears to lessen their convertibility appears to me contrary to sound principle. The alteration suggested would have some of the effects of a qualified funding of those securities without the certainty of such operation. The Exchequer Bill market is not in a condition to warrant experiments rash and uncalled for.

The plan not carried further.

Objection to Coupons.

It is recommended that the Exchequer Bills in future should be issued with Coupons attached to secure the future payment of the interest. These Coupons will, of course, require to be issued contemporaneously with the bills, and must, if made available at all, express the fixed rate of interest for a definite number of years.

Difficulties respecting variations of interest.

Each Coupon must set forth the rate of interest chargeable throughout the whole period, as well as the distinct amount payable yearly or half yearly. But if so issued by anticipation, at a specified rate, in what manner can the Government avail themselves of the power of lowering the interest from time to time should the value of money fall, or of raising the rate of interest should the value of money rise? How can this be done if they have already issued a positive and unvarying engagement on the Coupon, fixing the interest for a given number of years?

8. Danger of withdrawing the power of paying in overdue Exchequer Bills for revenue.

8. Another and a still more serious change is proposed to be made in these securities. It is recommended to discontinue as unnecessary the present regulation under which Exchequer Bills are current and pass in payment of any of the public revenues, aids, or taxes, when over-due.

I do not consider that the state of the Exchequer Bill market has been so satisfactory at the present, or for some years past, as to warrant any change of this nature. No withdrawal of a security for the convertibility of these bills is expedient, however slight and remote that security may be. For a period of time unexampled in our financial history, these securities, formerly so acceptable in the money market, have been kept floating at par, circulating at a very small premium, or at a discount. Even this unsatisfactory state of things, inconsistent as it is with public credit, and which if exhibited in ordinary commercial life, would be incompatible with the credit of any banker or merchant whose securities were thus depressed, would have been still more alarming had it not been for large operations carried on by the Government through the Commissioners for the National Debt and the Savings Banks, with the avowed object of sustaining artificially the value of these depressed public securities. I have stated to the Committee (3 July 1856) the grave objections which I feel to a system for thus operating on the money market. But the deprivation of the right to pay in these bills as revenue would be felt by the public as a much greater blow to their credit than any step yet taken. It would be considered as lessening their convertibility, and thus sanctioning the issue by the State of a dangerous class of securities. The author of the "Memorandum" seems to have been ignorant of the consequences of an experiment of a similar kind in a neighbouring country. It took place in France in the year 1707, and is recorded in Tindal's History as follows:—"France could spare neither men nor money to support their party, "which otherwise they undoubtedly would have done. They have, in imitation of "the Exchequer notes here in England, given out Mint bills to a great value, some "said 200,000,000 of livres. These were ordered to be taken by the subjects in "all payments as money to the full value, but *were not to be received in payment* "*of the King's taxes. This put them under a great discount*, and the fund created

"for

" for repaying them not being thought a good one, they have sunk 70 per cent. " This occasioned an inexpressible disorder in all payments, and in the whole com- " merce of France. All the methods that were proposed for raising their credit " have proved ineffectual, for they remained after all at the discount of 58 per cent." These historical facts deserve serious consideration, and are also illustrated by the failure of the Exchequer Bonds, convertible at long dates only, and bearing one invariable rate of interest. Appendix, No. 3.

9. On these grounds I respectfully and earnestly deprecate the proposed changes in the management ot the Unfunded Debt. I do not think a case has been made out to justify the change recommended. Measures of a very opposite kind are required, and must be resorted to, should it be considered an important public object, as I believe it to be, to restore the fallen credit of the Exchequer Bills of England. 9. The proposed changes deprecated.

10. Considering the whole principle of these changes to be dangerous, and therefore inadmissible, I do not stop to examine into other details; but I feel it my duty to add an opinion that any reforms devised will be incomplete if the present system of a Government dealing largely and habitually in Exchequer Bills purchased with monies derived from the sale of Savings Banks stock be not carefully examined and remedied, and more especially when combined with the unlimited power which now exists of funding such Exchequer Bills at the discretion of the Treasury without the knowledge of Parliament, and without a distinct Parliamentary authorisation. Parliament is now occupied in passing a Divorce Bill. A divorce between Downing-street and the Stock Exchange ought to be provided for. 10. Reforms should be of another kind.

11. It is, however, necessary to make a few observations on the subject of Deficiency Bills. It is proposed that these securities should be converted into a book-debt between the Treasury and the Bank of England. To this proposal, again, I feel insuperable objections. The Deficiency Bills, and even the Consolidated Fund Bills, are securities which are limited by law in the date at which they are drawn and are made payable; they are therefore strictly terminable engagements. If converted into a running account or book-debt between the Government and the Bank my apprehension is that the tendency will be to make them securities of a more permanent nature. To this I see many and serious objections. Any greater facility than now exists for the borrowing of money from the Bank to meet occasional excesses of expenditure or depression of revenue would be a most dangerous power to grant to the Government. This book-debt, as it is called, would be a species of Scotch cash credit account, opened for the State with the Bank of England. The risk attending this is greatly augmented by the stringent provisions of the Bank Act of 1844, under which such accommodation given to the Government may at times be granted only by setting aside the provisions of that Act, and exercising a dispensing power, or if granted under those provisions, may be attended with a limitation of commercial discounts in a manner and to an extent injurious to the interests of trade. The " Memorandum" itself manifests some mistrust of its own recommendation (*p.* 16), by preserving to the Treasury and Bank a power of issuing bills. 11. The substitution of a book-debt at Bank for Deficiency and Consolidated Fund Bills, objectionable.

12. The real remedy for difficulties respecting advances on Deficiency Bills is to follow the example of Sir Robert Peel; to preserve a full Exchequer as he did, and Deficiency Bills or Consolidated Fund Bills will no longer be required. Let not the country be exposed, as a constant incident of its ordinary financial system, to that state of things which Mr. Anderson described, though with inaccuracy and exaggeration. He states that " we generally commence the " quarter without a sixpence in the Exchequer," and that unless a provision was made by transfer of Supply Services to meet the charges on the Consolidated Fund at the commencement of the quarter (an arrangement, the legality of which I have represented as more than questionable), " we should stop payment in the early part of the quarter or be compelled to borrow from the Bank on Ways and Means Bills." An account was laid before the Committee on Public Monies [*page* 314], showing the surplus balances on the Consolidated Fund in 13 quarters, from 1847 to 1853. This should be the future rule, in which case the difficulties involved in the issue of Deficiency and Consolidated Fund Bills, the consequent misuse of the money of savings banks would cease, and the ill-advised controversy between 12. The real remedy is to preserve a sufficient Exchequer balance. This the practice of Sir Robert Peel.

Appendix, No. 3.

between the Government and the Bank respecting the mode of paying the interest on the public debt, would never have existed. At the same time the misapplication of other monies for the payment of charges on the Consolidated Fund without Treasury or Exchequer Warrants, as at present proved to be the practice, would also cease, and the Government would be relieved from the temptation of setting aside the statute law, to which they have unfortunately yielded.

13. Certificate of Auditors as against borrowing in excess.

13. It is also proposed [*Memorandum, page* 16,] that in order to check the power of borrowing in excess beyond the Ways and Means voted, a certificate should be communicated to the Bank from the Treasury, *countersigned by* two *Commissioners of Audit*. Here again no mention is made with respect to the powers of the Commissioners of Audit to grant or to refuse to grant this countersignature.

I must repeat that if this signature may be granted or refused at the arbitrium of the auditors, it is in fact the transfer of the present veto of Exchequer to the auditors. If it is not accompanied by these large powers, it appears to me to be a mere unmeaning formality, giving an apparent but no real security whatsoever, and yet involving the auditors in a responsibility to public opinion without any corresponding benefit. To cast upon the auditors, or any controlling body, a real responsibility is in many cases right and inevitable, but to create a delusive responsibility is unjust to the auditors, unworthy of the Government, and cannot fail to be unsatisfactory to the public. It is obviously important that a strict and invariable rule should be adopted to guard against any undue issues of Deficiency Bills, Consolidated Fund Bills, and Supply Bills, applicable to the services of the year. In the case of Deficiency Bills, till the year 1854, this check was afforded by the Exchequer certificate recited and made the basis of the Treasury Warrant for issuing Deficiency Bills. This security which the Memorandum feels it essential to give in future has been rendered impossible since 1854, by the act of the Treasury itself, in withholding the information enabling the Exchequer to examine and control the charges on the Consolidated Fund before the quarter-day.

14. Proceeds of Bills sold, including premium and interest, to be paid into Consolidated Fund.

14. In all cases whatever, the proceeds of Exchequer Bills sold, whether paid in the shape of price, or premium, or for interest due on the securities, should be paid into the Consolidated Fund, and issued from thence for the public service as Parliament shall direct. The "Memorandum" (*p.* 17) is in error in supposing this to have been the practice in all cases. It has not been by any means the invariable practice, even of late years. The provision of the 19th & 20th of Victoria, chapter 44, which the Treasury did me the honour of adopting at my suggestion, should be applied to all those transactions in future. All sums raised under that Act are required to be paid to the account of the Exchequer, and to form part of the Consolidated Fund. By Section 11, Bills and bonds issued under that Act are solely to be issued for the purpose of raising money to be passed to the account of the Exchequer. The monies raised by 19th & 20th Victoria, c. 5, for funding Exchequer Bills, are on the contrary, made applicable to services voted in the Session by the Commons. By the 19th & 20th Victoria, c. 6, the proceeds of the loan of 5,000,000 *l.* are applicable to voted services *or* to the Consolidated Fund. The rule in future, as I have stated, should be strict, and should be invariably adhered to, and thus all difficulties arising from the sales of Exchequer Bills, either at a premium or at a deficiency, will be averted.

IX.—ONE GENERAL ROYAL ORDER PROPOSED FOR THE WHOLE SESSION.

1. Proposed general Royal Order would practically supersede the authority of the Crown.

1. THIS recommendation has already been observed upon. It would be in fact the putting of the Royal authority in commission for the entire Session, to be acted on by letters of the Secretary, the Assistant Secretary, and, occasionally, a Senior Clerk of the Treasury. As well might there be one Patent at the opening of every Session, authorising the Lord Chancellor to give the Royal Assent to all Bills which may, during the Session, receive the assent of both Houses; or to affix the Great Seal to any Patent laid before him, with the signature of the Private Secretary of the First Lord. The Sovereign of England is not a pageant and a legal fiction. Our Sovereign is an essential reality

reality in the constitution, and no attempt should be permitted to exhibit the Monarch of England as a *Roi faineant*, with an Assistant Secretary of the Treasury to act as the *Maire du Palais*. It would neither be true nor safe so to act.

2. It would be no less repugnant to all Parliamentary principle, law and usage; yet the suggestion is not as mischievous as it appears. Its evil is corrected by its impracticability. Every Member of the Committee knows that Ways and Means are provided, not by one, but by successive Acts of Parliament, the first of which is passed, necessarily, at the very opening of the Session; the last forms the concluding Act presented to the Sovereign, namely, the Appropriation Act. It would be impossible that one Royal Order at the commencement of the Session could, with any decent appearance of propriety, be made to apply to Votes in Supply not passed by the Commons, and to Ways and Means Acts not adopted by the Legislature. This would not only be a transfer of Royal powers, but would be a disposal of Her Majesty's reversion in her most sacred prerogatives, to the Assistant Secretary of the Treasury for the time being. How would a proposal be received for a general transfer by Letters Patent to the Great Seal, of the power of proroguing or dissolving Parliament during a reign, or even for a Session? The cases differ only in degree, not in principle; and the prerogative of the Crown itself, subject, of course, to the advice of responsible Ministers, ought never to be abandoned.

2. The suggestion impossible to be carried out.

3. The Evidence given before the Committee on Public Monies, both oral and documentary, exhibits but too many instances of the careless mode in which the issues have been directed, and public documents (even including the Sign Manual of the Queen) have been tampered with. An observation of Mr. Romilly's on this subject (App. Public Monies, p. 563) is entitled to the most serious attention: "If these Treasury Warrants," he well observes, "are a "necessary and important formality, *is it not right,—is it not an additional* "*security that some independent party should see that they have been regularly* "*drawn and regularly obeyed? And is this security the less required when it is* "*known that the documents are necessarily drawn by subordinates, and on the faith* "*of their accuracy, are signed by their superiors as a matter of form?*"

3. Additional security required for regularity of formal public documents.

X.—GROSS REVENUE TO BE PAID TO THE CONSOLIDATED FUND.

1. Among the suggestions made in the "Memorandum," the first (p. 27) is, "that it may be provided by law that the gross revenue shall be paid to the "account of the Consolidated Fund." That this should be put forward as a novelty in 1857, requiring the authority of a special enactment, will be some surprise to the Committee, who were assured by Mr. Anderson (Evidence, Q. 958), that "the year 1855–56 is the first year in which we may say that the whole of "the public monies have passed into the Consolidated Fund. The loans, the "Exchequer bills, and the proceeds of every security on which the Government "have been authorised to raise money, *have passed into the Consolidated Fund*, "and all issues for the supply services have been made out of the Consolidated "Fund." If this last statement be accurate, the first recommendation is needless; it would only amount to a "killing of the slain." It surely requires no change of system in 1857 to do that which was already announced as having been done in 1856. But the fact is, that the last statement is not accurate, neither would the remedy recommended, in the first proposition if adopted, attain the object it proposes to accomplish. In the year 1855–56, so far is it from being true, that all loans and the proceeds of Exchequer bills have "invariably *passed* "*into the Consolidated Fund*," that we find, on the contrary, that so lately as in 1855–56, 500,000 *l.* (18 Vict. c. 8, anno 1855–56), were issued direct for supply services, and were not paid into the Consolidated Fund. A sum raised by 19 Vict. c. 5, for funding Exchequer bills, was proposed by the Exchequer to be carried to the

1. Proposition of the Memorandum inconsistent with Mr. Anderson's statement of present practice.

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the Consolidated Fund; but the Treasury, referring to sec. 20 of the Act quoted above, directed the receipt in question to be placed to a separate account, and not to the Consolidated Fund: this was under the Act of 1856.

2. Present mode of paying charges for collecting the revenue.

2. On the subject of the mode of paying the charges for the collection of the revenue, what I can only consider a mystification and a delusion has been practised on Parliament, which was fully exposed before the Committee on Public Monies. The charges for collecting the revenue are still, and will continue to be, defrayed out of gross revenue at the ports and seats of collection. These costs of collection, at the time of payment, never formed part of the Consolidated Fund, and they are paid without Royal order, or, Treasury and Exchequer Warrants, authorities all required by law, had the payments been issued out of the Consolidated Fund. The vouchers for these payments, when thus made from gross revenue, are transmitted to London. An issue is subsequently required from the Exchequer, under colour of its being wanting to satisfy these revenue charges, which, as I have shown, have been already defrayed; the issue is used to replace the antecedent payments out of gross revenue, previously made without legal authority, and is finally returned, as revenue, to the Exchequer, whilst it is, in fact, the very money issued from the Exchequer a few days, or possibly hours, before for another specified purpose. This extraordinary proceeding, or rather this juggle, is, I fear, so complicated, as to be nearly unintelligible without more distinct illustration.

3. Course of former and of present mode illustrated and contrasted.

3. Let it be assumed that 100,000 *l.* of gross revenue is received at an outport or station, and that the cost of collection has amounted to 5,000 *l.*: in the old and simple system 95,000 *l.* was remitted through the Receiver-general to the Exchequer, the 5,000 *l.* for costs of collection being paid at the outport or station, and afterwards accounted for and vouched on passing the revenue accounts: this system was at least simple and intelligible. At present the payment of the 5,000 *l.* for the costs of collection takes place at the outports, as before; and, as before, is paid out of gross revenue; a remittance is then made from the outports of 95,000 *l.* cash, and the vouchers for 5,000 *l.*, already paid; but a further operation takes place; an issue for 5,000 *l.* is demanded from the Exchequer, under colour of its being for payment of revenue charges, already shown to be paid, and this sum is immediately repaid to the Exchequer, under colour of its being revenue, which it *is not*, having been advanced from the general funds of the Exchequer a day or two before. This is a most complicated and absurd method of affecting to perform the impracticable pledge given by the Government to pay in all revenues to the Consolidated Fund, and to pay thereout all the costs of collection. It is, at once, an absurdity and a delusion, and is wholly at variance with the professed principles of what is popularly called the gross and net theory. (Anderson, Qns. 1100, 1101, Report Public Monies.)

4. Advances for other services out of gross revenue also irreconcilable with gross and net theory.

4. Equally at variance with that theory is the advance of monies by the Revenue departments at home out of gross receipts, on orders from various public offices drawn on collectors. This system is not proposed to be abolished, nor ought it to be; but it is utterly irreconcilable with the gross and net theory.

5. Proposition equally inconsistent with practice of deductions for drawbacks, &c.

5. Still more absurd is it to profess an enforcement of that theory, when nearly a sum of 1,500,000 *l.* annually is paid out of gross revenue, and must be so paid, for drawbacks and allowances, without ever reaching the Consolidated Fund. This expenditure is evidently incapable of being reduced to estimate, except as a contingent fund. But the present practice defeats the system which Mr. Anderson announced as successfully realized in 1855-56, and which it is now proposed to reaffirm in 1857, a reaffirmance wholly needless, were Mr. Anderson's original statement correct: but it is not correct. The proposition, if announced as a new principle, is inexpedient, because it is impracticable.

6. Allegation that these last amounts are not revenue, refuted.

6. A very original, but not a convincing argument is urged to justify the payment of drawbacks and allowances out of gross revenue, and to reconcile it with the theory. We are invited to believe that these payments are not revenue at all, but are funds which belong to the merchants, who may at some future time claim them from the State. (Anderson, Q. 1108, Report Public Monies.) Let this be tested by a simple example. Let it be supposed that a merchant

merchant pays duty of 100,000 *l.* on tobacco, wine or spirits in 1856; that this is received as revenue, is carried to the public account, and expended for the public service of that year. Let it be supposed that the importing merchant wishes, in 1857, to export to the continent a portion of these duty-paid goods, which he may have reserved in store, and that he becomes entitled to a drawback of 25,000 *l.* on such exportation; must not these transactions be represented in the public accounts as 100,000 *l.* of income received in 1856, and as an expenditure of 25,000 *l.* incurred in 1857? The financial casuistry that would represent them otherwise will hardly be defended seriously.

7. Another and a conclusive reference to fact wholly disproves the statement that all issues are made from the Consolidated Fund (Anderson, Qn. 958.) This cannot be affirmed till many of the most flagrant abuses of the existing system are corrected. The whole cash account of the Paymaster-general is now indiscriminately applied for all public services. The Turkish loan, the deposit monies, and similar sums, all have been and are so applied. These sums never were, or could be, parts of the Consolidated Fund; therefore the statement of fact made, and the recommendation for reform suggested are equally vain and delusive.

7. Statement that all issues are made from the Consolidated Fund, contradicted.

8. One recommendation in the "Memorandum" is, however, rational and practical—I allude to the prohibition in future, of all such transactions as the redemption of the hereditary pensions in 1855 and 1856, out of gross revenue, and without Parliamentary sanction. This prohibition implies a strong condemnation of the late practice. It is not on the enactment of such a prohibitory law, or any law of a similar kind, that reliance is, however, to be placed. It is an undeviating obedience to its commands, and an enforcement of its penalties, which give real value to the law, and entitle a Government to respect and confidence.

8. Practical condemnation of recent redemptions of hereditary pensions from gross revenues.

9. It may, however, be doubted, if the recommendation of the "Memorandum" be adopted, and all effective preliminary control over the issues of public monies be abandoned, whether it is not an absurdity to express any reluctance to allow the Government an unrestrained command over the gross revenue. If the audit be by itself a sufficient check, the enforcement of payments into the Consolidated Fund is surplusage and a delusion. It may be convenient as a system of account, but as an enforcement of appropriation it is a manifest absurdity. The payments into the Consolidated Fund are only important as a system to guard against an unauthorized or excessive issue. But such precaution implies, in other words, a preliminary control, which the "Memorandum" condemns and rejects. Its reasoning is, therefore, illogical; its recommendations go too far, or they should be carried to their legitimate conclusions.

9. Absurd to place restraints on gross revenues, if all preliminary check upon issues is to be abandoned.

XI.—SAVINGS OF UNISSUED AND OF UNEXPENDED BALANCES.

1. It is important to consider this branch of the subject. It involves the exercise of every function of Financial control. First, in the restraint on the issues of public monies; and secondly, in the check on unexpended balances, and an enforcement of their repayment to the public credit. This question is but glanced at in the "Memorandum," which fails altogether in affording any sufficient or definite remedy for undeniable abuses.

1. Importance of this question, involving all the functions of control.

2. In order to have a clear conception of the question, it is necessary to bear in mind that these two classes of savings, (1) balances unissued from the Exchequer, and (2) balances which though issued, are not found to be required for the public service, are distinct in their nature; the first are immediately available as ways and means; the second require to be repaid to the Consolidated Fund. This distinction

2. Distinct nature of unissued and of unexpended balances.

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distinction is not observed in the "Memorandum" in which all appropriations of issue are proposed to be discontinued.

3. Unissued balances of Consolidated Fund charges.

3. In respect to the savings of unissued balances, the management of the Consolidated Fund charges requires first to be noticed. At present the total amount charged is generally applied for, and issued, though at uncertain intervals. But this is not always the case. Occasionally balances remain unissued, either as not being required by the Treasury, or as retained at the Exchequer by the Comptroller, acting within his undoubted authority. This last proceeding will best be illustrated by the case of Mr. Mahony [2798. 2802. 2922. 2935.] Money was here applied for by the Treasury for the payment of an officer who had been by the Treasury itself reported as dead some months preceding. [*Vide Appendix, Public Monies, No.* 9, *page* 687.] I interfered, and exercising my powers of control, struck this demand out of the schedule of charge, and refused to make the payment. The charge for this salary remained unissued at the Exchequer.

Savings by control of issues; Mr. Mahony's case.

4. Mr. Henn's case.

4. Another very significant case has arisen during the present year, which illustrates the efficiency of the control exercised at the Exchequer. A charge was proposed at last March quarter to be put upon the Consolidated Fund for the whole quarter's salary of a public officer, a late Master in Chancery. I myself was cognizant of that gentleman's death; I had before me a certificate of his interment. I consequently felt bound to refuse absolutely my sanction to the issue, which exceeded the amount legally due. I informed the Treasury that if they entertained any doubt of the legality of my refusal, I requested that they should take the opinion of the Law Officers upon the subject. This opinion has never been taken; but by my power of control the issue has been withheld, and the sum in question has remained unissued at the Exchequer. [*See original Correspondence, Appendix No.* 1.] I felt this decision of mine to be the more necessary, because in the Treasury Letter of the 13th of October 1854, I was informed that the right I assumed "of stopping the salary of a public officer after "it has been investigated, admitted, and ordered for payment by their Lordships, "is one which is inconsistent with the authority of the Board, and the exercise "of which may lead to great inconvenience to the public service." My reply [*Appendix, Public Monies, p.* 743] refused assent to the doctrine thus laid down as amounting to an absolute repeal of the Exchequer Act. As a public officer charged with special duties, I respectfully declined acting upon the principle asserted by the Treasury, feeling myself bound to resist any attempt to defeat or modify the Act which regulates my office, except such alterations are made by Parliamentary authority.

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5. Unexpended balances of Supply grants.

Closing of Votes.

5. The unexpended balances of Votes in Supply remain to be noticed. In the 6th Report of the Committee of Ordnance Inquiry, to which Mr. Anderson's name is affixed, [6*th December* 1845], it is recommended that "no balance of "a Parliamentary Grant which may remain unexpended at the close of the year "for which it was voted should be carried forward to a subsequent year, but that "such unappropriated balance shall revert to the Treasury, and be appropriated "in aid of Ways and Means." This was in fact a bold and manly application of the principle of the Exchequer Report of 1831, which recommends that "with a "view of accomplishing a complete settlement of the annual accounts, and pre-"venting all obscurity arising from the mixing of the amount of credit for the "service of one year with the amount of credit for the service of another year, "the Exchequer should cease to give credit on the 1st of October of each year for "the money voted in the year ending with the preceding 31st of December; and "that all credits not made use of by a day to be fixed shall be cancelled, and the "funds not applied shall revert again to the disposal of Parliament."

6. This principle vaguely and unsatisfactorily applied in the Memorandum.

6. The recommendations of the "Memorandum" in affirming the same principle assume somewhat of a dangerous vagueness in respect to their application. They are as follows [*page* 23]: "The service account of these votes would be closed "at the date to be fixed, in the case of naval and military accounts, *as regards* "*all salaries, pensions, and similar charges at home,* which were usually paid one "quarter under another. There appears to be no sufficient reason for keeping "open the account of those votes more than three months after the termination "of the year; *at the expiration of that term the majority of the unexpired*

"*balances*

" *balances* could be surrendered; while those balances only *which it might be* " *necessary to reserve for future expenditure* would be carried forward and be " accounted for in a subsequent account." I respectfully submit that the intentions of Parliament upon this subject should be expressed more clearly and carried into effect with more decision. In the recommendation thus given, far too great a discretionary power seems to me to be vested in the Treasury. The mode in which these functions have hitherto been performed by no means diminishes my jealousy upon the subject.

7. The rule useless unless the Treasury act faithfully in obeying it.

7. But in this as in all other cases of the application of a similar rule, if there be not a sincere and active desire on the part of the Treasury to act faithfully in the discharge of this obligation, nothing can be more easy than to defeat it. Supposing the law to require that on the 31st day of March, or at any other period, all outstanding balances should be surrendered, Paymasters by requiring, and the Treasury by directing an issue of any of these balances 24 hours antecedent to the day limited, may, in despite of the regulation, pass that sum to the Paymaster's drawing account, where, in place of reverting to the Consolidated Fund, at the time fixed, it might (under the present unhappy system) continue applicable, and be applied to all other current services for an indefinite time.

8. Unexpended balances of issues made from the Exchequer.

8. The subject of savings of unexpended balances of sums issued from the Exchequer is of still greater importance, as it involves the consideration of a check upon their repayment to the Exchequer, and against their possible misapplication, if not duly repaid. The charges placed on the Consolidated Fund, and thus fixed and authorised to be issued, must, in many cases, be a maximum amount of charge, exceeding the amount ultimately payable. It has been shown that at present the total amount is generally applied for and issued, though at uncertain intervals. Where issues have been made in excess of the amount ultimately found payable, I conceive it to be the bounden duty of the Treasury to direct such balances to be replaced to the public credit at the earliest period, *so that they may not be applied to any other purpose whatsoever.* In order to secure this result the Treasury concurred with me in 1851, in ordering a quarterly report to be made to the Exchequer containing a detailed account of such savings as had arisen in Ireland. This salutary precaution was acted upon for some years, but though ordered to be furnished " for the purpose of enabling the Comptroller-" general to check the propriety and legality of the charges which may appear in " the Schedules when they come before him," (*Treasury Minute*, 12 *Sept.* 1851. *App., Public Monies, p.* 689), the return has since been withheld by the Treasury. The result is that for a period of three years no returns of such savings have been so reported to me. Further and renewed difficulties have been still more recently interposed by the Treasury between the Comptroller-general and the execution of his functions in those respects. Savings which had hitherto been given in detail, thus enabling an efficient check to be applied to specific votes and charges, are now refused to be rendered, except in one gross sum, contrary to the former usages of the Board of Treasury itself. (*Treasury Letters*, 8 June 1857.)

Consolidated Fund services.

Control of repayments.

9. Instance of misapplication of unexpended balances.

9. The exercise of this check on the due repayment to the Exchequer of these unexpended balances becomes the more necessary, from the increasing practice at the Pay Office of dealing with all balances as unappropriated monies, and of applying them to all current services whatever, and thus to purposes other than those contemplated by law. I may here mention, that as incidental to the case described (sect. 4), I discovered that the savings of unexpended monies issued from the Consolidated Fund were not only withheld from the Consolidated Fund, but were applied to meet other and unsanctioned payments.

The cases I have cited are, it is true, in Ireland; but the system as applied to England and Scotland, if it has not led to the same gross abuses, is liable to lead to them, and requires correction. I do not find that correction adequately provided for in the " Memorandum."

10. Unexpended balances of Supply grants.

10. The balances of unexpended Votes of Miscellaneous Services lying in the Paymaster's hands, should in like manner be returned as savings, and some security taken that this duty is promptly and invariably performed. Under no possible circumstances should it be permitted to apply such balances to any uses other than to the service appropriated by Parliament, if they have passed into the Paymaster's account.

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account. How the duties of controlling these repayments are to be performed on the abolition of the Exchequer I know not. The extension of the Appropriation Audit to the Miscellaneous Votes is an excellent proposal, and is sanctioned by the recommendation of many witnesses examined before the Committee on Public Monies; but though it does much, it will not accomplish all that is required. Whether it be possible to expect that these transactions can be followed, up by the auditors, and the correction of abuses such as those I have described be secured and enforced by them without the aid of a preliminary check, the "Memorandum" affirms but fails to prove. Whether such duties can be effectually performed by the auditors is a matter for them to consider. But one result seems unquestionable. The check here required to be enforced, in respect to these unexpended balances, is a check upon the Treasury itself; there can be no certain enforcement of such a check if the auditors are left in any respect subordinate, and liable to be controlled by the Treasury, whom it is to be made their duty to control. It should also be borne in mind throughout this discussion, that however searching the auditor's inquiry, and however complete eventually, nearly two years must elapse after a given issue before the examination of the appropriation can be closed. It seems to be no longer a matter of contest that the present system regarding the unexpended votes in supply requires an effectual reform. It is a scandal that the application of an audit to those accounts should have been so long postponed. I take my own share of this blame. But it must now be done. The evidence taken by the Committee in 1856 seems to secure this important result.

No provision in the Memorandum to enforce the necessary check.

11. Illustration of Vote for the funeral of the Duke of Wellington.

11. The force of these observations may be tested by a reference to the case of the Vote for the Duke of Wellington's funeral, which has justly excited so much attention in Parliament. In this instance the vote taken was for 80,000 *l.*, and was passed in the year 1852. It was only available after the 1st of April 1853, the commencement of the year for which it was granted. Between the 1st of April 1853, and the 5th of the same month, the whole sum was issued by credits to the Paymaster-general; and before the 15th of April this 80,000 *l.* was certified to the Exchequer by the Bank of England *as being actually paid.* It was consequently reported to Parliament by the Comptroller-general in his annual accounts as so paid. It was also reported by the Treasury as so paid, in their account of the disposition of grants laid before the House of Commons. Yet it now appears that 25,000 *l.* has not been expended for the purposes of the vote, but has continued for a period of four years in the Paymaster's hands, and has been applied in the meanwhile to other purposes. It is with extreme surprise that I find the "Memorandum" ventures to allude to this case as "bringing into strong relief the defects of the "present Exchequer system." It rather brings into strong relief the defects and illegality of the present administration of our finances by the Treasury and Pay-office. Mr. Anderson, when under examination, explained the facts. [1586.] "The Paymaster," he says, "would place the money to his drawing account. He "is not permitted to keep any idle balances. He must place it in his drawing "account. It was applied to the general services,—to any services that come in "on the day on which it was written off." He states that he considered it an *exceptional case.* Mr. Romilly was asked, "Did you audit the Duke of "Wellington's Funeral Account?" He answers, "No; payments would however "be made on account of the funeral; we do not examine the dates of the money "issued, of the credits or the payments; *we should not examine the issues and "expenditure with reference to the Vote for that service.*" [4252.] "If the "payments were not equal to the amount drawn that would not come before us "in any shape whatever that I am aware of. We should not know the amount "standing at any particular date to the credit of the Paymaster on account of "that service, nor if we did should we remark upon it." [4259.] "If the "Treasury gave the Paymaster-general directions to make a payment, and he "made that payment in accordance with that authority, we should give him "credit for the sum paid under that authority" [4260] "without questioning "whether the authority issued by the Treasury was a proper authority for the "Treasury to issue." No portion of this misapplied 25,000 *l.* seems to have been as yet repaid, even after the inquiries of the last Session. The balance of that Vote still continues in the hands of the Paymaster, or is expended under his direction; and it continues I presume still applied to services other than that for which it was voted.

12. Such

12. Such is the practice. How would the case have stood had there not been a violation of the Exchequer system, on the defects of which the "Memorandum" ingeniously rests the defence of this case? The vote for 80,000 *l.* would have been left at the Exchequer until it was required for the voted service; it would then have been drawn out, minus the sum of 25,000 *l.*, which has been misapplied to other purposes; that 25,000 *l.* remaining in the Exchequer balance would have diminished so far any demand for deficiency bills, had such existed; no possible misappropriation could have taken place, and when the account was closed, that sum would have been made a saving, and made available as Ways and Means. It is therefore a transparent sophism to attribute this misapplication of money to what is termed in the "Memorandum" the "defective Exchequer system;" the blame undoubtedly attaches to very different quarters, and is attributable not to the Exchequer Law, but to its daring violation.

12. This case proves not the defect of the Exchequer system, as stated in the Memorandum, but its illegal violation.

13. Here I must again ask, how will the proposed check of the Auditors, recommended in the "Memorandum," act upon a system like this? By what means are they to check these amounts of unissued or unexpended balances? I have more than once, though perhaps almost passing the bounds of my authority, taken on myself to call the attention of the Treasury to the accumulation of unissued balances of Votes. Till a late period those suggestions were uniformly received with respect and thankfulness, and were frequently acted upon; but in later times the case has been different, and in the instances which I have alluded to in the earlier part of this section, the very information which was requisite to enable me to apply the principle to savings upon the Consolidated Fund, has been withheld, though originally promised and approved of by the Treasury itself. It is remarkable, also, that the Treasury in altering their course in this respect, have appeared somewhat unwilling to commit themselves to the direction they were about to give. They therefore do not direct their original minute to be cancelled, the simple and ordinary course; they only "direct the Comptroller-general to "*consider it as cancelled.*'"

13. How can proposed check of auditors act on this system?

XII.—CIVIL CONTINGENCIES.

1. I HAVE vainly sought in the "Memorandum" any practical recommendation for correcting the present mode of managing this fund. The annual vote of such a fund by Parliament I consider to be indispensable. It is required to meet unforeseen contingencies, to execute works when Parliament is not sitting which cannot be postponed, and which could not have been voted on Estimates. Above all, it is required to guard in a legitimate manner against the offence of misapplying Public monies. But to justify this vote, it must be dealt with frankly, and there must be no concealment from Parliament. The fund is employed under two heads of service; the one, the final payments constituting the absolute expenditure; the other, advances and loans repayable to the fund out of subsequent Parliamentary votes, or from other sources. The account annually laid before the House of Commons includes the final payments, and on the receipt side is charged with the Parliamentary votes only, no regular return or account being presented showing the advances and repayments. The result is, that there may be, and there has been, a capital increasing by the amount of repayments, without a saving in the vote, and without a Parliamentary check on the expenditure. It seems more than probable that but for the vigilance of the Committee on Public Monies in the last Session, these facts would never have been exposed, nor any part of the large sums held in excess on this account have been declared a saving.

1. Improved management of this Fund indispensable, but not proposed in the Memorandum.

2. An illustration will make this clearer. Let it be supposed that an annual grant is made of 100,000 *l.* for Civil Contingencies, out of which 70,000 *l.* is appropriated finally, and accounted for during the year, and that 30,000 *l.* is advanced in loans, repayable by instalments of 10,000 *l.* in each of three successive

2. Illustrated by hypothetical case.

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successive years; let it be supposed that this system continues, the result of the first four years will be as follows:

CIVIL CONTINGENCY ACCOUNT.

RECEIPTS.	£.	EXPENDITURE.	£.
First Year: Grant	100,000	Final payments	70,000
		First loan repayable	30,000
	£. 100,000		£. 100,000
Second Year: Grant	100,000	Final payments	70,000
First instalment of first loan of 30,000 *l.*	10,000	Second loan repayable	30,000
	£. 110,000		£. 100,000
Third Year: Grant	100,000	Final payments	70,000
Second instalment of first loan of 30,000 *l.*	10,000	Third loan repayable	30,000
First instalment of second loan of 30,000 *l.*	10,000		
	£. 120,000		£. 100,000
Fourth Year: Grant	100,000	Final payments	70,000
Third instalment of first year's loan of 30,000 *l.*	10,000	Third loan repayable	30,000
Second instalment of second year's grant	10,000		
First instalment of third year's grant	10,000		
	£. 130,000		£. 100,000

The grants made by Parliament would thus be 400,000 *l.*, whilst the monies at the disposal of the Treasury would be 460,000 *l.*, without taking into account the possible receipt of interest on loans, and this increase of capital would not necessarily be made known to Parliament.

3. Actual state of this fund.

3. The case I have stated is hypothetical. If I rightly understand an Account laid before Parliament, 11 July 1856 (*Sessional Paper*, No. 347), the question will be found much more striking and important. It appears that at the commencement of the year 1855—

	£.	s.	d.
The balance of the Civil Contingency Fund was	158,573	7	6
The amount of Annual Vote	100,000	–	–
Receipt in payment of Advances	227,707	9	8
TOTAL	£. 486,280	17	2
The state of the Fund was as follows:			
Balance of Vote unissued from the Exchequer	116,916	–	–
Balance in Bank of Ireland	1,083	7	11
	117,999	7	11
Less advanced by Paymaster-general	8,097	13	–
	109,901	14	11
Amount of Outstanding Advances	162,294	5	6
TOTAL Civil Contingency Fund	£. 272,866	–	5

Upon the facts stated before the Committee on Public Monies in the last Session, the Treasury felt it due to the public to announce a saving of 60,000 *l.* on the unissued Vote of 1855, being the first instance of any such saving on the Vote for Civil Contingencies.

4. The

4. The remedy is simple. The account of Civil Contingencies should contain a second part, showing the advances and repayments within the year, the assets invested in loans, the nature of the securities taken for repayment, and the period at which those loans were due and payable, together with the time at which the loans were made, and the interest received or remaining due and payable, and an account showing the general state of the Fund.

4. Remedy in more complete accounts to Parliament, and audited.

This remedy is required, and will, I believe, be sufficient. I have no doubt that the records of the Treasury will furnish the means of making such returns. I have already expressed my opinion that these accounts should be strictly audited.

XIII. SUBSTITUTION OF ACCOUNTS OF ACTUAL EXPENDITURE FOR ACCOUNTS OF EXCHEQUER CREDITS.

1. Strong opinions were expressed in the evidence, and are repeated in the "Memorandum" (p. 21), that the accounts of the public expenditure should be based on the sums actually expended, and not, as at present, on the credits issued to the Pay Departments; and that the truth of the public accounts depends on the substitution of actual payments for Exchequer credits.

1. Proposed substitution of actual payments for Exchequer credits, in accounts of expenditure.

2. This proposition assumes that a sum transferred from the Exchequer to the Paymaster is not an actual payment, although it is so dealt with in statutes and official documents. It is asked how a sum issued from the Exchequer, as a credit granted to the Paymaster-General, can be treated as expenditure whilst remaining in the hands of the latter? The obvious answer is, that so soon as the Exchequer has issued the credit, the amount is removed from Exchequer control, and is at the sole command of the Paymaster to whose account it is placed. It is therefore a payment from the Exchequer. But if the question put to me suggests a valid objection to the present mode of account, that objection should be carried much further. If the transfer from the Exchequer to the Paymaster does not constitute a payment, neither can the transfer from the Paymaster to his sub-accountant constitute a payment. No imprest while undistributed will constitute a payment, and the expenditure account will consist of final payments only, carried down to the very rank and file of the army and to the seamen of the fleet. Every balance in the hands of every pay-officer must then be dealt with as forming part of a general balance. Nothing but confusion would be the result.

2. This assumes that an Exchequer transfer is no payment.

If so, no imprest is a payment.

3. In my evidence I called the attention of the Committee to the fact, that, so far as the Exchequer was concerned, no account would be a truth and a reality that was not kept on the principle objected to. The Exchequer should be charged with the total sum received, and be discharged by the total sum transferred from the Comptroller-general's account. These credits thus transferred are Exchequer payments to all intents and purposes whatever, and constitute the first step in the public exenditure.

3. The principle objected to is the only true and real basis of account.

The next step is to charge the several pay-officers with what they receive from the Exchequer, discharging them by the amount they have paid themselves, and transferred to their sub-distributors, continuing this simple and intelligible system, till it reaches the final payments to parties receiving on their own account.

4. Though the existing form of account is recognised and prescribed in Sect. 24 of the Exchequer Act, it must not by any means be supposed to have originated at so late a period as the year 1834. Nor was it introduced without due deliberation and sufficient authority. The finance accounts were first presented to Parliament under the 42 Geo. 3, c. 70, an Act which did not, however, prescribe the form in which they should be made up. The same general form of words are used in the 56 Geo. 3, c. 98, in reference to the finance accounts of the United Exchequers. But the Report of the Finance Committee of 1822, of which Mr. Tierney, Viscount Palmerston, Sir John Newport, Mr. Huskisson, Mr. Grenfell, Mr. Hume,

4. Origin of present form of account in 1822.

Recommended by Finance Committee.

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Mr. Sturges Bourne, Mr. Ricardo, and Sir T. Baring were members, adverts to the subject in the following words: "The principal and most prominent defect "in the present form of the accounts is, that they neither do nor can exhibit any "balance between the income and expenditure of the year. The income side of "the account shows the amount levied from the subject, and the amount paid "into the Exchequer within the year; and it is obvious that to give a balance, "the expenditure *ought to contain a statement of the payments out of the Exche-* "*quer during the same period.* The expenditure sheet, however, has not been "framed on this principle, and with respect to some of the chief heads of service, "such as the Army and Ordnance, *instead of containing a statement of the issues* "*made from the Exchequer, it gives the amount of payment made by the dis-* "*tributing officers,* such as the Paymaster of the Army and the Treasurer of the "Ordnance, to whom the monies required for their respective services are issued "from the Exchequer.

"The account of income and the account of expenditure are, therefore, "accounts of different kinds; the one being an Exchequer account, the other not, "*and no true balance can be struck by comparing them together.*

"The impossibility of striking a balance between income and expenditure "by any examination of the present form of accounts is, of itself, a material "defect; but the defect is also attended with the further inconvenience that it "allows the possibility of the *existence of errors* which would necessarily be "detected if the construction of the accounts were such as to require a balance to "be struck. *Your Committee have not failed to remedy this defect,* and in the "forms which they recommend the expenditure side *will show the issues made by* "*the Exchequer, and not the payments by the distributing officers,* and will, there-"fore, tally with the statement on the income side of sums paid into the Exchequer "during the year."

It is evident that the opinions of the Finance Committee of 1822 and of the "Memorandum of 1857" not only differ, but clash, as being directly contradictory,—the Finance Committee recommending what the "Memorandum" condemns, and condemning what the "Memorandum" recommends.

5. Adopted and confirmed by Finance Committee of 1828.

5. But this principle of taking the credits issued from the Exchequer as the basis of the financial accounts of expenditure, received a still more authoritative sanction in 1828. In consequence of the recommendations of the memorable Finance Committee of that year, which included the names of the Chancellor of the Exchequer, Mr. Tierney, Sir J. Newport, Mr. Herries, Lord Althorp, Mr. Hume, Lord Howick (now Earl Grey), Mr. Bankes, Mr. Stanley (now Earl of Derby), Mr. Alexander Baring (afterwards Lord Ashburton), Mr. Huskisson, and Sir Henry Parnell, a new and a rational mode was adopted by Parliament for the application of a real sinking fund in reduction of the National Debt. This was

And in Sinking Fund Act.

effected by the 10 Geo. 4, c. 27, in Sect. 1 of which it is provided, that "for "ascertaining the actual surplus revenue, the Treasury shall cause an annual "account to be prepared showing the actual receipt and expenditure of the United "Kingdom for the year ending each quarter day, *according to the actual receipt* "*and issue of monies at the receipt of Her Majesty's Exchequer.*"

6. Also in Exchequer Act of 1834.

6. The same principle was adopted and confirmed in the 4 and 5 Will. 4, c. 15, sect. 24, by which the annual accounts were directed to be made out on each quarter day, "*according to the actual receipt of money* at the Bank on "account of the Exchequer, and of *credits granted thereout* by the warrants of "the Comptroller."

7. The present system supported by eminent authorities.

7. I have felt it right to give the names of the Members of Parliament who in 1822 and 1828 recommended the adoption of the present system of basing the public accounts of expenditure on the sums transferred by the Exchequer to other departments. I have done so, because having the great authority of the Memorandum against the existing practice, it is important to show that some not wholly incompetent or ignorant persons have adopted and maintained the opinions which I now lay before the Committee.

8. It

8. It appears a bold if not an unadvised step to set aside all these Parliamentary authorities and the unvaried practice of above half a century. But on reflection, the effect which would follow the proposed change, abundantly explains its object. It is part of the general principle on which the whole "Memorandum" rests. The change would relieve the Treasury from the restraints which the law now wisely imposes on its command over public expenditure. The Exchequer credit fixes the sum which the Treasury and the paymasters are legally entitled to spend. It is therefore to be set aside. The change would substitute for this constitutional restraint of positive law the unrestrained *arbitrium* of the Treasury. It will be said, that a limit would still be imposed by the amount of the specific vote of Parliament. It should, however, be remembered that the vote is a *maximum*, which only grants to the Crown a sum *not exceeding* the amount specified. If each department were authorised to draw to the amount of the vote, free from the Royal Order, Treasury Warrant, and Exchequer Warrant, the maximum might be converted into a minimum; and with the recommendation that the issues to each of the pay-offices "should be dealt with as a single balance at the credit of each," (Mem. p. 13.), a lavish and unrestrained expenditure could hardly fail to be the immediate consequence. For these reasons, and many others which might be stated, I deprecate the proposed substitution of what is termed an actual expenditure account for an account of Exchequer credits issued, and the further substitution of the Parliamentary maximum voted, for what may probably be a lesser sum authorised, by legal authority, to be expended.

8. This check now proposed to be set aside, and unrestrained *arbitrium* of Treasury substituted.

The proposal deprecated.

XIV.—AMENDMENT OF, AND NEW MODE OF PROMULGATING THE PUBLIC ACCOUNTS.

1. It is sufficient on this point to remark, that improvements in our system of accounts may, except when restrained by statute, be carried into effect by the authority of the Treasury itself; these improvements form, therefore, no necessary part of the recommendation of the "Memorandum." At the same time, some of the alterations made of late, more especially where they have lessened the responsibility of departments whose accounts were, by usage, prepared and signed by themselves, appear to me injudicious. These changes, coupled with other alterations made without previous notice, and defeating all powers of comparison between the present and the past, prevent me from placing much faith in such reforms.

1. Improvements of the public accounts may now be effected by Treasury authority.

2. The delay in making out the Finance Accounts, which of late have not been placed in the hands of Members till after the prorogation, is another irregularity which ought not to be forgotten. On these grounds, I do not set much store on the promised improvements in our Public Accounts, even if they should ultimately bring the Accounts of England into the London Gazette, the very last place, perhaps, where they will be read. As efficient remedies to correct misappropriations "*pulveris exigui jactu*," these recommendations are wholly undeserving of serious notice.

2. Delay in production of Finance Accounts.

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XV.—BOOKS AND RECORDS OF EXCHEQUER.

1. Proposed discontinuance of Exchequer books.

1. THE discontinuance of the Exchequer books described as being "already "useless, and the equally useless returns made from them," is pointed out in the "Memorandum" (p. 10), as being a necessary consequence of the abolition of the Exchequer itself. Ignorant as I am of the authorship of the "Memorandum," I am not aware whether the writer has ever sought access to the books and records of my department; if he has not, the assertion made of their uselessness is somewhat rash, as well as unscrupulous. The request I have addressed to the Treasury to direct the audit of the series of accounts of my department, from its establishment in 1834 to the present time, and my readiness to produce vouchers for the transactions of 23 years, is some evidence that the accounts of the office are accurately and creditably kept. Hitherto these accounts have been considered to be important as affording a check on the accounts of the Treasury itself. They were felt to be such by the late Mr. Brooksbank, of the Treasury; and Mr. Anderson, in his evidence, bears testimony to what he calls their "charac-"teristic accuracy." (Qn. 3652, Report Public Works.)

2. Importance of these Exchequer records.

2. There is also another consideration which ought not to be forgotten or overlooked by those who can appreciate the importance of preserving the muniments and evidences illustrative of the history of our financial and civil administration. The series of the Exchequer records is nearly complete from the days of the Plantagenets to the present time. Those documents have been examined and carefully arranged for safety and for reference. The earliest minute book of the Treasury reaches back no further than the reign of William III., if my memory does not deceive me. The Exchequer records of receipt and of issue commence in the reign of Henry III. (*3d Report on Public Records*, 25 *Feb.* 1842, p. 17, 18). With a view, possibly, to the perpetuation of this almost unexampled chain of evidence, as well as for other important purposes, the 4 & 5 Will. 4, c. 15, s. 16, enacts, that the "several books kept in the "office of the Exchequer *shall be deemed books of record*, and shall be received "as such in all courts of law and equity, and elsewhere, in evidence of the "entries therein made, and of the debts thereon respectively charged against "the several and respective accountants of the Crown."

3. Cases illustrating their value.

3. As an illustration of the possible importance of this series of documents, a sum of 11,000 *l.* is shown to have been saved to a Crown debtor by reference to the Exchequer original entry (*see Mr. Black's Report*, 14 *January* 1842); and on another occasion a sum of 1,250 *l.*, interest on 50,000 *l.*, was recovered by the public on similar evidence (*8th Report on Records*, 12 *May* 1847). I may also refer to the discovery which I was enabled to communicate to the Treasury, that a sum of 25,000 *l. described annually to Parliament as Exchequer bills due and outstanding, and provided for accordingly, in fact represented no such Exchequer bills at all, none such having ever existed.* This was a *fictitious entry to reconcile accounts* which did not agree (*Report, Public Monies*, App. 665 *et seq.*) Another instance may be quoted likewise as illustrating the importance of the check afforded by these records. A report was made to the Treasury by the Comptroller-general, 13 July 1841 (*Public Monies Report*, App. p. 651), showing that an annual sum of 1,938 *l.* had been issued from the Consolidated Fund as for Irish officers attending Parliament. No such attendance was given, as no such officers existed, and this sum was carried to the general Fee Fund of the Treasury: this abuse was corrected on the Exchequer Report.

4. Objections to their discontinuance. By whom are these records to be kept, in the event of the abolition of the Exchequer?

4. It is submitted, that records leading to the results exemplified in these instances given as examples, should not be discontinued. By whom will they be hereafter kept? Is it by the Treasury, against which department the case of abuse was discovered and denounced by the Exchequer? Is it by the auditors, who could not be cognizant of the facts?

XVI. TRANSFER OF WEIGHTS AND MEASURES TO MINT.

1. In strict conformity with the recommendation of Mr. Anderson [1790 *and* 1791, *page* 338], it is proposed in the "Memorandum" that the superintendence of weights and measures should be transferred from the Exchequer to the Mint. In my examination before the Select Committee of 1856, I explained the facts bearing upon this subject. To this explanation the framers of the "Memorandum" have not done me the honour of adverting. I had myself suggested the expediency of the proposed transfer to the Committee on the Miscellaneous Services, 1848, in the following terms:—"The Exchequer is the ultimate tribunal for "deciding on the authenticity of weights and measures, and is the custos of the "standard weights and measures. The process of comparison is purely mechanical, "requiring nicety, and on which much of public interest depends. I believe it to "be now well performed, but it has occurred to me that the officers of the Mint "would be much better judges of weights and measures than the clerks of my "department. This, however, is only a suggestion." The question thus raised by me, was officially brought before the Mint by the Treasury, [28*th April* 1848], and the Mint was directed to consider whether this proposed change was expedient. The Royal Commissioners upon the Mint [*Report*, *Section* 90] considered the subject, referring to my evidence before the Miscellaneous Services Committee, and also taking further evidence upon the subject. The Commissioners report that "some of the officers of the Mint may have more than ordinary skill in the com- "parison of weights; but their experience is almost altogether confined to the "more delicate transactions that concern the precious metals, and extend in no "degree to the comparison of measures of length or capacity, and would therefore "be very partially available in the performance of the duties in question." They add that the Mint offers no peculiar convenience for business of this nature, and they conclude by urging an objection to the proposal, which has the greatest force, viz., the risk attendant on throwing the Mint open to the transaction of any business besides that which is necessarily connected with its direct object—the fabrication and issue of coin. "The access of strangers within its precincts can "never be free from hazard; and any duties which might require attention at the "same time with a pressure for the work of coinage, must either be liable to be "delayed, or must interfere with the proper functions of the establishment, and "impair the constant vigilance necessary for its security." The Commissioners were therefore of opinion that "*it would not be expedient to transfer to the Mint "the charge of the standard weights and measures.*" In this decisive opinion the Treasury and the Comptroller-General acquiesced, and the subject was not renewed till 1856. The recommendation contained in the Memorandum is in direct opposition to the judgment of the Mint, acquiesced in by the Treasury; and this without the suggestion of any reason for doing so. But it may have arisen from ignorance or inattention. It is most extraordinary that these transactions respecting the transfer of weights and measures to the Mint should not have been known to the writers of the Memorandum, or, if known, that they should not have been adverted to. The whole stands recorded in the correspondence of the Treasury itself, and on the records of Parliament.—(*Report on Mint*, 1849.)

1. Recommendation in the Memorandum of Transfer to Mint.

This recommended by Comptroller-general in 1848.

Disapproved of by Mint, 1849.

Project abandoned by Treasury.

2. Independently of what in 1849 were considered to be conclusive objections, it is observable that the Weights and Measures Department is now conducted by one clerk and an assistant, at salaries of 510 *l.* per annum, against which are, however, to be placed fees, carried to the public account, of about 15 *l.* per quarter. No inquiry seems to have been made whether the work, if transferred to the Mint or to any other department, could be conducted at so small a cost. Besides which, on any pressure of business, the services of the assistant are made available for the general business of the department.

2. Economy of present arrangements.

Appendix, No. 3.

XVII.—REMONSTRANCES OF THE COMPTROLLER-GENERAL AGAINST THE PRESENT MODE OF CONDUCTING THE PUBLIC EXPENDITURE.

1. Remonstrances in the Exchequer Memorandum of February 1854.

1. I BELIEVE it is an occurrence wholly without example in the administration of any great country, that during a period of more than three years, serious charges made by a responsible public officer, imputing a violation of the law to important branches of the Government should have been allowed to sleep, and that no step should have been taken either to disprove such allegations or to remedy the abuses complained of. No proposal has been made to alter the law so as to accommodate it to the practice, or to bring the practice within the restraints of the law. I may here be allowed to recapitulate the allegations contained in the paper laid before the Chancellor of the Exchequer and the Treasury in 1854. It was then distinctly stated that the system introduced of late years and rapidly extending, had the following effects:—

1. It tended to supersede the Statute Law.

2. It defeated all Parliamentary responsibility.

3. It struck at the integrity of the accounts rendered to the Treasury, to both Houses, and to the auditors.

4. It permitted an application of the public revenue without due authority.

5. It permitted payments to purposes unsanctioned by law.

6. It lessened and tended ultimately to defeat the control of the Exchequer.

7. It set aside the restraints of the Appropriation Act.

8. It permitted all the funds in the Paymasters' hands, whether issues from the Exchequer, deposits, or receipts in transit for other departments, to be applied indiscriminately to all current services, with or without a legal authority, thus using as Ways and Means sums not granted as such by Parliament.

9. It rendered necessary, in such cases, a subsequent rectification of account, for the purpose of charging to the proper account an advance made illegally; this rectification being at times postponed for an indefinite period.

10. It permitted Army, Navy and Ordnance funds to be used interchangeably, contrary to the Appropriation Act.

11. It permitted a like illegal interchange in the issues for charges on the Consolidated Fund, and the payments for Miscellaneous Services, contrary to the Appropriation Act.

12. It permitted the issue of Public Money without Royal Order, Treasury Warrant, issuing letter or Warrant of the Exchequer, each of which authorities is a condition precedent indispensable to the legality of the issue.

Appendix, No. 2.

Such were the startling allegations officially submitted to the Government by the Chancellor of the Exchequer on the 10th of February 1854, and subsequently laid before the Board of Treasury. The Draft Letter of the Comptroller-general to the Treasury, reprinted in the App. No. 2, may also be referred to.

2. Official Report to the Treasury on the Exchequer Memorandum.

2. An official Report in reply to these remonstrances was addressed to the Treasury on the 27th of March 1854, by Mr. Anderson. That Report stated "that the whole Naval and Military expenditure of the country had been brought "under strict and uniform rules of appropriation and account, and statements "certified by an independent Board have been annually laid before the House of "Commons, *showing in aggregate and in detail the appropriation of the monies*

"*granted*

" *granted for those services. With this unimpeachable evidence in existence, no* " *reasonable doubt can be entertained that the appropriation of the large grants* " *annually made for these services, has been strictly legal and constitutional.*"

3. If the Paper on which I am now engaged were not prepared for the use of the Committee on Public Monies, I should subjoin in proof of the several allegations, references to the evidence given in the last Session; but addressing as I do, those to whom that evidence is familiar, without any reference except to their own memories, I venture to ask whether there is one single allegation made by me in 1854 which has not been clearly and incontestably demonstrated, whether the oral evidence taken, and the Paymaster's books inspected by the Committee, have or have not disproved the allegation that the appropriation for the great services is either legal or constitutional.

3. Allegations of Comptroller-general in 1854 clearly and incontestably demonstrated by the evidence of 1856.

4. If this be the case, it can hardly be said and believed that it is either to the neglect of the Exchequer or to the defects of the law that the irregularities attendant upon the present system of issuing the public money are attributable; but that they are to be imputed to the determined and systematic violation of the law by those to whom the distribution of the Public Monies is entrusted after their legal issue from the Exchequer, and after all powers of Exchequer control have ceased.

4. Irregularities attributable, not to the Exchequer, but to the illegal practice of the Pay Departments.

XVIII.—CONCLUSION.

1. I NOW approach the close of a Paper which I fear may be considered too long and too detailed. It should, however, be borne in mind, that if my reasoning is correct, no less a principle is at stake than the preservation of the most valuable privileges of the Commons in voting, appropriating and controlling the expenditure of the public monies raised out of taxes paid by the people of England. I have been called on to *show cause* against a proposal to substitute "Confidence in the Government of the day," whatever that Government may be, for the constitutional jealousy on which our ancestors relied during centuries of struggle with the Crown, and from which during the last century and a half we have not been induced to depart in the maturity and completion of our civil liberties. I am called on to surrender the judgment of Lord Somers for the novel and extravagant suggestion of the unknown author of the "Memorandum,"—I cannot but feel some doubt of the reasonableness of this exchange, and I respectfully decline to make it.

1. Confidence in the Government not to be safely substituted for the principle of Constitutional Jealousy.

2. I should much have preferred defending, as an abstract principle, the necessity of a previous independent control over the issues of public money, to a defence of the department of which I have been the head since 1839. But that course is rendered impossible by the form and substance of the "Memorandum." I have been practically charged with having, for 19 years, carried on a system described in the "Memorandum" as "deceptive, delusive and "imaginary," and as having thus made myself a party to what I should have considered an imposition on the public. This is a charge which, after a parliamentary and official life of nearly 40 years, I feel it my duty to repel, with what I hope is not an unbecoming earnestness, or I might rather say, an unbecoming indignation.

2. Charge of present Exchequer system being "deceptive and delusive," repelled.

3. I acknowledge, and gladly accept, my responsibility to Parliament, as represented by the Committee which I have the honor of addressing. I am, to a great extent, a Parliamentary Officer. My functions are to act on behalf of the public, and to protect the sums the Commons have voted from misapplication in any form, and by any authority. These functions, if exercised with firmness, must seem to those I am called on to control, as most ungracious, and even offensive. They are, however, the functions confided to me by the Legislature of my country, and they must be performed with determination. When

3. Difficulties incident to the firm exercise of the Comptroller-general's functions.

Appendix, No. 3.

the Exchequer Act of 1834 was in progress, Parliament was forewarned by a man who had passed many years in the House of Commons, and had filled high ministerial office, that "no single individual would be able to resist the "strong pressure occasionally brought into play against him whenever he put "his view of what was right in opposition to the wishes of the Executive "Government." I have ventured to do so in all cases which have occurred to justify and to require it. A Comptroller-general who should not control, but who should only endeavour "to make things pleasant," would indeed deserve scorn and punishment.

4. General propositions upon which any real and substantial control must be founded.

4. I respectfully submit my official conduct to the freest judgment of the Committee I have the honor to address;—I invite that judgment—and conclude by bringing before them the following distinct propositions:—

I submit that (1) without a preliminary independent control over the Government issues of public money—(2) without a Paymaster bound to obey the law, and who does obey it—(3) without an Audit Board unfettered by the Treasury,—the constitutional appropriation of the public money cannot be relied on, and the privileges of the Commons, as guardians of the public purse, are brought into peril.

I submit that any attempt to combine in one, two or more of these separate duties must destroy the due division of labour, and the whole efficiency of the check.

I submit that if a preliminary check on issues is rejected as delusive and impracticable, the separate Votes in Supply and the Appropriation Act may be objected to on the same grounds also.

I therefore submit, that while the laws which regulate our financial system, like all other laws, should from time to time be revised and reformed, the cardinal principle which has been handed down to us from the earliest to the best times of our history, the right of enforcing a real and constitutional control over the public expenditure, should never be weakened or abandoned.

Monteagle,

Exchequer, 16 June 1857. Comptroller-general.

APPENDIX I.

(No. 1.)

Correspondence on Exchequer Control over Issues from Consolidated Fund, and Repayment of Balances.

Correspondence respecting Exchequer Control over Issues from Consolidated Fund, and Repayment of Salaries.

Comptroller-general to Paymaster of Civil Services, Ireland.

Sir, Exchequer, 6 April 1857.

I have received the accustomed Treasury Warrant, No. 3, for payment of the charges on the Consolidated Fund for the Irish Courts of Justice, 31st March 1857, together with your schedule applicable to the same period, dated 13th March. The amount of the payments certified in the schedule and warrant is 38,737 *l.* 15 *s.* 9 *d.*

This includes a payment of 827 *l.* 7 *s.* as salary and compensation to the late Wm. Henn, Esq., Master in Chancery, but as that gentleman died on the 8th March, and there has been transmitted to me an official certificate of his interment at the cemetery of Mount Jerome on the 11th, it is impossible that I can direct a payment calculated beyond the 8th, as I am bound by the 4 Will. 4, c. 15, s. 13, to satisfy myself before directing a transfer that the payment directed is duly authorised by law.

I have, therefore, deducted the sum of 167 *l.* 2 *s.* 10 *d.* from 827 *l.* 7 *s.*, charged for Mr. Henn's salary and compensation.

Under the head of Queen's Bench Compensations is also included a sum of 679 *l.* 3 *s.* 4 *d.* as arrears to Mr. Marlowe, clerk to Clerk of the Rules, and a note is appended to the schedule, that this sum has been "*paid out of balances.*" It is not stated out of what balances this sum has been paid, still less how, if it has been already paid to Mr. Marlowe, it cannot be duly authorised by law to be paid to him a second time. I have referred to the Treasury letter to you of 12th February 1857, which does not appear to me to explain or authorise this transaction.

Requesting some further explanation,

I have, &c.
(signed) *Monteagle,* Comptroller-General.

	£.	s.	d.	£.	s.	d.
Amount of Treasury Warrant				38,737	15	9
To be deducted:						
Mr. Henn, sum charged beyond the 8th March, the day of his death	167	2	10			
Mr. Marlowe, *suspended* for further information, arrears stated to be due, but already paid out of balances	679	3	4			
				846	6	2
Amount of Transfer ordered			£.	37,891	9	7

C. S. Grey, Esq.,
Paymaster of Civil Services.

(No. 2.)

Paymaster of Civil Services, Ireland, to Comptroller-general.

My Lord, Dublin Castle, 8 April 1857.

I beg to acknowledge your letter of the 6th instant, informing me that you have deducted from the amount charged in my schedule for Courts of Justice, Consolidated Fund, for the quarter ended 31st March 1857, the following sums, viz.: From 827 *l.* 7 *s.*, charged under the head of Chancery, for Master Henn, 167 *l.* 2 *s.* 10 *d.*; and 679 *l.* 3 *s.* 4 *d.*, being the amount stated as arrears to Richard Marlowe, under the head of Queen's Bench (Compensations); making together 846 *l.* 6 *s.* 2 *d.*

In reply, I beg to state, that according to the invariable practice, no official notification having been received of the date of Master Henn's death upon which to found a calculation of the amount payable to him, the entire quarterly payment was included in my schedule, as the proper certificate might be produced at any moment by the legal representative, and payment demanded thereon to the day of Master Henn's death.

With respect to the sum of 679 *l.* 3 *s.* 4 *d.* charged in my schedule for Richard Marlowe, I beg to state that payment having been made to him (under the authority of the Treasury Letter dated 24th January 1857, which directed the arrears to be "forthwith issued to him," the law officers having given their opinion that he was entitled thereto) out of the Consolidated Fund balances remaining in my hands, the amount was included in my schedule to replace the sum taken from such balances to make the payment.

I have, &c.
The Right Honourable Lord Monteagle, (signed) *C. S. Grey.*
&c. &c. &c.

Appendix I.

(No. 3.)

Correspondence on Exchequer Control over Issues from Consolidated Fund, and Repayment of Balances.

Comptroller-general to Treasury.

My Lords, Exchequer, 15 April 1857.

I REGRET to inform your Lordships that I have been compelled by a sense of duty, and under the obligations of the 4 & 5 Will. 4, c. 15, s. 13, to deduct certain sums from your Lordships' warrant of the 31st March 1857, directing the transfer from the General Fund of the Exchequer at the Bank of Ireland of 38,737 *l.* 15 *s.* 9 *d.* for the expenses of Courts of Justice.

The sums in question are the following: from the sum of 827 *l.* 7 *s.*, or one quarter's payment of 3,309 *l.* 8 *s.*, the annual salary and allowance of the late William Henn, Esq., Master in Chancery, I have deducted 167 *l.* 2 *s.* 10 *d.*, being the amount of salary computed after the day of Mr. Henn's death, on the 8th of March 1857. This sum I feel myself precluded from transferring under the express provisions of the 4 & 5 Will. 4, c. 15, s. 13, it being obviously impossible that I should "satisfy myself that such payment "is duly authorised by law," when the salary is computed to a period after the death of a public officer, the registry of whose burial is now in my hands.

Another sum, of which I have also felt it my duty to suspend the transfer, is 679 *l.* 3 *s.* 4 *d.* to Richard Marlowe, who holds the office of Assistant Clerk of the Rules in the Court of Queen's Bench, with a salary of 500 *l.* per annum, and who also receives a compensation of 100 *l.* as clerk to the Clerk of the Rules, and to whom your Lordships' schedule of the 31st March 1857, directs an additional transfer of 679 *l.* 3 *s.* 4 *d.*, described as arrears, calculated from 22d March 1850 to 5th January 1857. A note is, however, subjoined to this schedule, that this sum of 679 *l.* 3 *s.* 4 *d.* has already been paid to Mr. Richard Marlowe, out of "the balance in hand." In the letter of explanation from the Paymaster of Civil Services, I am informed that this payment of 679 *l.* 3 *s.* 4 *d.* has already been made under your Lordships' letter of 24th January 1857. It is, therefore, clear, that this sum cannot now be legally due to that officer, and that I am consequently precluded, by the 4 & 5 Will. 4, c. 15, s. 13, from directing its payment a second time to the same party, and for the same service.

But a most important question remains for your Lordships' deliberate attention. In the official letter from the Paymaster of Civil Services, I am informed that this sum of 679 *l.* 3 *s.* 4 *d.* has, under the authority of your Lordships' letter of 24th January, been paid "out of the balances of the Consolidated Fund remaining in the Paymaster of Civil "Services' hands." I submit to your Lordships that such an application of any balances of Consolidated Fund monies cannot legally be justified; and that, consequently, such payment made to Mr. Marlowe is wholly irregular, and without any sufficient legal authority. The balances of Consolidated Fund monies in Mr. Grey's hands were not charged or chargeable with the payment of this arrear to Mr. Marlowe. They consisted, I presume, of sums transferred to the Paymaster beyond the sum afterwards ascertained to be legally payable to the several parties interested. After satisfaction of the legal claims of those parties, this balance is returnable to the Consolidated Fund as a saving, and cannot be legally applied to any other special use whatever. It is in reference to this obligation, that on the 5th March 1857, your Lordships were pleased to inform me that in the case of annuitants, any difference between the amount "payable at the time of death, "and the full amount issued from the Exchequer, is repaid to the Consolidated Fund." The sums issued for payment of charges on the Consolidated Fund are specifically appropriated, and cannot, with any colour of law, be applied to the satisfaction of other and unsanctioned claims. I need not point out to your Lordships the distinction between issues made for specific charges on the Consolidated Fund, and payments or advances out of Civil Contingencies, over which your Lordships exercise a discretionary authority.

It was for the purpose of averting such misapplications of public money, and ensuring the strict and accurate repayment of such balances to the Consolidated Fund that I recommended to your Lordships' predecessors in 1851, the necessity of making to this office, from the Paymaster of Civil Services in Ireland, quarterly accounts showing the actual difference between the amount transferred to the Paymaster of Civil Services and the amount actually paid by him for the same services. The balances were thus ascertained, and made repayable to the Consolidated Fund. This salutary precaution was adopted by your Lordships in your Minute of the 12th September 1851, in which you adopted the "regulations as en-"abling the Comptroller-general to check the legality of the charges which may appear on "the schedules when they come before him." This important restraint has now been removed, and your Lordships direct me *to consider* that part of your Minute of the 12th September 1851 *which imposed it* as cancelled.

The cases of the payments to the representatives of the late Mr. W. Henn, and of the arrears to Mr. Marlow, would have been brought under more immediate notice and correction, had the former system been adhered to. But other instances may be referred to, from which it would appear that balances have been allowed to remain for periods of longer or of shorter duration, and I am now left by your Lordships' change of system without the means of knowing whether these balances have been repaid to the Consolidated Fund, or whether, as in the case of Mr. Richard Marlowe's 4½ years of arrears of compensation, they may not have been issued for purposes to which they were not, in my judgment, legally applicable.

Should I be so unfortunate as in this letter to rely on principles which do not meet your Lordships' concurrence, I shall be prepared to take the opinion of the law officers of the Crown on the following questions:

Whether

Whether the Comptroller-general would be legally warranted, under 4 & 5 Will. 4, c. 15, s. 13, in directing a transfer for the payment of any portion of the salary of the late W. Henn, Esq., computed to have accrued after the death of Mr. Henn, the Comptroller-general having before him the Registrar-general's official certificate of the day of Mr. Henn's burial.

Whether the Comptroller-general would be justified in issuing 679 *l.* 3 *s.* 4 *d.* as arrears of compensation due to Richard Marlowe, Clerk of the Rules, the Paymaster of Civil Services certifying that this sum has been already paid out of balances of the Consolidated Fund in the month of January, to the same officers, and for the same compensation.

In the meanwhile, I have felt myself bound by my official duty to suspend these transfers, not being able, in the words of the statute 4 & 5 Will. 4, c. 15, s. 13, "to satisfy myself "that such payments are duly authorised by law."

I have, &c.

To the Lords Commissioners of Her Majesty's Treasury.

(signed) *Monteagle*, Comptroller-General.

(No. 4.)

My Lord, Treasury Chambers, 16 April 1857.

Treasury to Comptroller-general.

WITH reference to your Lordship's letter of yesterday's date, I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you that the Paymaster of Civil Services had no authority from this Board to pay Mr. Marlowe the arrears of his compensation allowance out of any other balance than that which was properly applicable to the purpose, and that he had in his hands at the time he received directions to make the payment a sufficient balance to meet it on the account of Civil Contingencies; and my Lords have desired him to correct this error in his accounts forthwith.

The charge on the Consolidated Fund was intended to provide the means of replacing to Civil Contingencies the sum so advanced.

I am further to acquaint you, with reference to the charge for the allowance of the late Mr. Henn, that your Lordship must be aware that the course pursued in making the full charge for the quarter was in strict conformity with the ordinary practice in cases where no official proof of death has been received in office.

I am, &c.

The Comptroller-General of Her Majesty's Exchequer.

(signed) *C. E. Trevelyan.*

APPENDIX II.

DRAFT LETTER (16th January 1849) from Lord *Monteagle* to the LORDS of the TREASURY, remonstrating against the Minute of the 22d December 1848.

My Lords, Exchequer, 16 January 1849.

Lord Monteagle's Draft Letter, 16 January 1849.

I HAVE the honour to acknowledge the receipt of your Lordships' letter of the 13th instant, and to thank you for having communicated to me the Treasury Minute of 1836 according to my request.

I shall now proceed to lay before your Lordships the observations which have occurred to me in relation to your Lordships' Minute of the 22d December 1848, transmitted for my information in your assistant-secretary's letter of the same date, and which, I presume, is to be considered as embodying the regulations for the office of the Paymaster-general issued under s. iv, 11 & 12 Vict. c. 55, which, if issued in conformity with the statute, are directed to be observed by the Comptroller-general of the Exchequer.

It is in consequence of this provision alone that I take the liberty of addressing your Lordships. So far as the Minute relates to other departments, it would be presumptuous and intrusive on my part to offer any unsolicited advice or observations.

I anticipate that in issuing this Minute it was the intention of your Lordships to provide only for the safety, economy, and advantage of the public service, and not to set aside or defeat any of the regulations which have hitherto been acted upon by the authority of the Legislature and of your Lordships. If the Minute of the 22d December appears to have the latter tendency or effect in my judgment, it is very possible that this may be traced to some misconception on my part which your Lordships may remove, or to some inaccuracy or looseness in the words of the Minute, which may not justly or accurately convey the meaning of the Treasury.

Appendix H.

Lord Monteagle's Draft Letter, 16 January 1849.

In order to make my observations intelligible to your Lordships it is necessary that I should recapitulate the steps which must necessarily be taken to provide for the supply services of the year.

1st. A vote in Committee reported and agreed to by the House.

2d. A Ways and Means Act providing funds and granting authority for the supply voted.

3d. A Royal Sign Manual warrant authorising the issue of the vote so authorised and provided for.

4th. A Treasury warrant to the same effect.

5th. An issuing letter directing the special issue whether to the full extent or in part of the vote.

6th. The Comptroller-general's warrant directing a credit to the amount required in the issuing letter.

It is by the combination of these several authorities that the amount of the vote can be applied, and no application of public money for the service in question can be legal, if any one step be defective or inaccurate; and, by the Act constituting this office, before I grant my warrant, I am first required to satisfy myself of the regularity and legality of the entire proceeding.

If I were consequently to issue my warrant in any case without a vote in supply, without a sanction of a Ways and Means Act, without the Sign Manual, or Royal Order, and without the authority of your Lordships' instructions, I should act in disregard of my duty, and be justly liable to censure. Nor is it in my judgment legal that in default of the Exchequer authority involving and expressing the completion of each and all of the several conditions I have enumerated, that any public money can be applied to satisfy the votes in supply.

I do not mean to question that in furtherance of the public service out of extraordinaries and contingencies specially left at the disposal of the Treasury and accounted for to Parliament, advances might not justly and properly be made and be repaid in case funds were subsequently provided for by vote. Such has been the case frequently of payments out of Civil Contingencies by Mr. Sargent, and which probably are referred to by your Lordships, s. 16, p. 5, though I have to regret that in describing this process the words " A fictitious " cash account" should have been used to describe what is in itself a simple and intelligible transaction, and not exposed to any animadversions whatever.

I do not mean to doubt the policy of establishing one general cash account on which the Paymaster-general may be enabled to operate for his disbursements. But I submit to your Lordships the entire illegality of enabling payments to be made out of such cash balance in the absence of the several successive authorities to which I have referred, subject to occasional advances such as I have described out of a contingent fund. This is, I think, wholly at variance with the Act regulating this office, at variance with the provisions of the Appropriation Act, and of the constitution, and is calculated to throw great doubts and uncertainties on the returns made to me by the Bank of England, and on which my accounts to the auditors and to Parliament depend.

The point which I specially urge on your Lordships' attention, is the propriety of issuing money for the public service requiring an Exchequer credit without the actual issue of that credit from this department. The question is one which, if doubtful, might advantageously be brought under the attention of the law officers for their opinion.

In section 19, your Lordships state that the course proposed will be perfectly consistent with a strict appropriation of the Votes of Parliament, " as the paymaster will not make " a payment under any head of service, exceeding the balance remaining of the grant of " Parliament for that service;" but your Lordships will see that, if this is to be the only limitation, all the authority of the subsequent checks are withdrawn. The issue in question may be made without the sanction of a Ways and Means Act, without the sanction of a Sign Manual Warrant or Treasury Warrant, and the control vested by law in this department, and for which I am responsible to Parliament, may be wholly set at nought.

It seems obvious that it would be illegal for your Lordships to proceed without a Royal Order on which to ground your warrant. It would be equally illegal on my part to issue a credit without your Lordships' authority, that of the Crown, and that of the Legislature; yet all these checks and securities will be set at nought if the Paymaster-general be directed and instructed to make payments for the public service in the manner which seems the obvious meaning of your Lordships' Minute.

Nor can the evils of such a course be treated as wholly imaginary. I can refer your Lordships to an occurrence of no very remote date that would show how the system would work, and the confusion which under certain circumstances it could hardly fail to occasion.

I allude to the transactions of the year 1841. At that time upwards of 100 votes in supply had passed and been agreed to by the House; Sign Manual Warrants and Treasury Warrants were transmitted to me by the Treasury. I declined to recognise their validity, and refused on my responsibility to give them effect. After a somewhat protracted and controversial correspondence, I submitted a case for the opinion of Sir W. Follett and Sir F. Pollock, who considered my objections just and valid. The Sign Manual and Treasury Warrants were all corrected in the points to which I had objected, and then, and then only, did I grant the credits required and authorise the issues demanded by the Treasury.

Now,

Now, had the system then existed which seems to be sanctioned and contemplated by the Minute of the 22d December, issues might have been made under all these irregular warrants. This would have been done by the authority of the Paymaster; and it would have been after these payments had been made that the irregularity would have been admitted, but too late to correct the confusion in the public accounts that could not but have ensued.

It is true that your Lordships observe, section 22, that where such unauthorised advances take place they may be adjusted by a proportionate variation in the subsequent Exchequer credit. It is added, that in this way no inconvenience will arise. I submit most respectfully to your Lordships, that it is a question rather of law and of constitution than of convenience; let me suppose that no ways and means have been provided, no Royal Order, Treasury or Exchequer Warrant, have issued for a vote for the Houses of Parliament or the Royal Palaces, yet if there stands in the cash account of the Paymaster a sufficient sum arising out of funds provided for Army, Navy, or Ordnance, it would be lawful to defray the former service out of the latter, a result which, though hardly possible in practice, might be justified under the system about to be introduced.

I needly hardly point your Lordships' attention to the difficulty of reconciling this practice with the stringent words of the Appropriation Act.

But other and, in my mind, serious difficulties would ensue.

By the constitution of this office and your Lordships' original Minutes, the Bank of England are bound to transmit to me daily an account of the actual payments made on account of the several credits granted. On these returns I found my quarterly accounts to the Audit Office and to Parliament annually. But if, as in the supposititious case I put, credits granted for army services could be applied for building the Palace at Westminster in the expectation of a future re-adjustment of the accounts, the data on which I may have previously reported to the auditors and to Parliament will become to that extent illusory. On this account, likewise, I feel my responsibility as Comptroller-general involved, and I submit to your Lordships that the public interests require that the Exchequer accounts rendered under a special Act of Parliament should be freed from all such uncertainty or suspicion.

All the observations I have hitherto made apply, *mutatis mutandis*, to the mass of the payments for charges on the Consolidated Fund. In order to legalise such payments, your Lordships' authority and mine are both required, the Comptroller-general being first required to satisfy himself of the legality of the proposed payment. This is, indeed, admitted, p. 17, s. 92, which makes the payment dependent on the Paymaster's receiving credits applicable thereto. This same obligation may be intended to be repeated, s. 95, where the words "in the usual form" are introduced, though as this refers rather to Treasury than to Exchequer forms, the meaning is less distinct; but in s. 96, it would appear that the control of the Exchequer is wholly dispensed with, and a quarterly letter from the Treasury founded on a requisition from the Foreign Office is substituted, and a similar course is taken in relation to the Courts of Justice, s. 97, and to the Miscellaneous Charges, s. 98.

As a practical example of the inconvenience which might arise, I beg to refer your Lordships to the case of the Russian Dutch Loan, which is included under the head of Miscellaneous Charges. To this payment my predecessor, Lord Grenville, objected, and if his objection had not been withdrawn on legal authority, the payment would not under the existing law have taken place. But under the Minute of the 22d December, the payment might have gone on as a matter of course by the Paymaster, and the Exchequer control would only have been applied at a period too late to give it any efficient operation.

I have also to call your Lordships' attention to the steps taken from time to time, by which certain sums remaining as unexhausted credits or votes are declared savings. This is done on a comparison of the amount originally appropriated with the amount actually issued. But if payments on account of these votes take place from any other source, the balances to which I have adverted, and which have hitherto been held conclusive, will be made wholly illusory and deceptive.

A still more serious question might arise in relation to the surplus of revenue applicable to the reduction of debt quarterly. This depends wholly on the confidence reposed in the integrity of the Exchequer accounts. But how can this be relied on if a loose system be adopted and sanctioned by your Lordships in a Minute claiming to possess a legislative authority, and if possessing it, not capable of being varied except by the Act of the Legislature itself.

I am quite aware that I may have misapprehended your Lordships' intention. A general reference, s. 4, is given to the powers and functions of the Comptroller-general. This general recognition may be intended to accompany and to govern all the subsequent clauses of the Minute. But I submit to your Lordships that this intention is not clear, and when it prescribes the duties of other departments of the Government which are expressly laid down in distinct terms, it can hardly be sufficiently precise to affix a limitation on the powers and authorities assigned to them.

I have to intreat your Lordships' indulgence for so long a statement; but charged as I am by Parliament with peculiar and independent duties of check and control, I feel convinced

Appendix II.

Lord Monteagle's Draft Letter, 16 January 1849.

convinced that you will give me credit for a desire to perform my duty, and no more than my duty, when I bring before your attention a Minute which might be interpreted, though hardly so intended by your Lordships, as setting aside the constitutional functions which are intrusted to me, and leaving the issue of the public money at the sole command of officers holding their station at the pleasure of the Crown.

Responsible to Parliament as I feel myself to be, this appeal to your Lordships seems to me prescribed by the obligations I am called on to fulfil.

I have, &c.

To the Lords Commissioners of Her Majesty's Treasury,
&c. &c. &c.

Note.—The alterations made by the Treasury in the Minute of the 22d December, in consequence of the Comptroller-general's remonstrance, are shown, Appendix Public Monies, p. 534, 535, 536. The most important alterations were those which announced "that the "constitutional check exercised by the Comptroller-general on the issue of public money "shall in all respects be maintained," and "the departments of expenditure be restrained "from applying any part of one specific grant in aid of another specific grant."

REPORT

FROM THE

SELECT COMMITTEE

ON

PUBLIC MONIES;

WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
21 *August* 1857.

[*Price* 1*s.* 6*d.*]

279—Sess. 2.

Under 16 *oz.*

FIRST REPORT.

GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

LORD HOTHAM reported from the General Committee on Railway and Canal Bills,—

THAT they had formed the List of Railway and Canal Bills into the Groups following.

Groups.

ENGLAND.

No. 1.

Read 2°.

May 12. Metropolitan.
„ 13. South London.
„ 13. West London and Crystal Palace.
„ 14. Westminster Terminus (Clapham to Norwood) Abandonment.
„ 13. Richmond and Kew Extension.

No. 2.

May 11. East Kent (Strood to St. Mary's Cray).
„ 11. Herne Bay and Faversham.
„ 12. Mid-Kent (Croydon Extension).
„ 12. Mid-Kent and South Kent.
„ 13. South Eastern (Greenwich Junction to Dartford).

No. 3.

May 12. Reading Railways Junction.
„ 13. South Eastern (Reading Junction).

No. 4.

Read 2°.

May 8. Bristol and South Wales and Southampton Union.
„ 8. Dorset Central.
„ 11. London and South Western (Acts Amendment).
„ 13. Southampton, Bristol and South Wales.
„ 13. Salisbury and Yeovil.

No. 5.

May 13. Stratford-upon-Avon.
„ 12. Mid Sussex.
„ 12. Portsmouth.
„ 13. Ringwood, Christchurch and Bournemouth.
„ 11. Lewes and Uckfield.
„ 14. Wimbledon and Dorking.

No. 6.

May 11. Eastern Counties (Extensions).
„ 13. Tilbury, Maldon and Colchester.
„ 12. Norwich and Spalding.
Great Northern.
„ 8. Cwm Amman.
„ 8. Birkenhead, Lancashire and Cheshire Junction (Steam Boats, &c).

No. 7.

May 11. Ely Tidal Harbour and Railway.
„ 11. Ely Valley.
„ 12. Newport, Abergavenny and Hereford (Extensions).
„ 13. Rhymney.
„ 13. Taff Vale.

No. 8.

Read 2°.

May 8. Bourn and Essendine.
„ 13. Stamford and Essendine.
„ 12. Manchester, Sheffield and Lincolnshire (Railway to Romily, &c.)
„ 12. Manchester, Sheffield and Lincolnshire (Railway to Buxton, &c.)
„ 13. Stockport, Disley and Whaley Bridge (Extension).

No. 9.

May 8. Cannock Mineral, No. 1.
„ 12. North Staffordshire (Bridgewater Canal).
„ 13. Shropshire Union Canal Company, London and North Western Railway Company, and Shropshire Union Railway Company.
„ 8. Blyth and Tyne.
„ 12. North Eastern (Lanchester Valley).
„ 13. West Hartlepool Harbour and Railway, and North Eastern Railway (Amalgamation).

No. 10.

May 8. Blackburn (Extensions).
„ 8. Doncaster and Wakefield.
South Yorkshire and North Lincolnshire Junction.
„ 12. Oldham, Ashton-under-Lyne and Guide Bridge.

No. 11.

May 11. Lancaster, Carlisle and Ingleton.
„ 12. North Western.
„ 14. Whitehaven and Furness Junction (Increase of Capital).
„ 8. British and Irish Grand Junction.

SCOTLAND.

No. 12.

Read 2°.

May 8. Banff, Macduff and Turriff.
„ 8. Banff, Portsoy and Strathisla.
„ 8. Deeside (Extension).
„ 11. Keith and Dufftown.
„ 8. Carlisle and Hawick.
„ 8. Bathgate, Airdrie and Coatbridge.
„ 12. Monkland.

No. 13.

May 11. Fife and Kinross.
„ 11. Kinross-shire.
„ 11. Leslie.
„ 13. West of Fife Mineral (Extension).
„ 8. Caledonian (Running Powers, &c.)
„ 8. Caledonian (Lines to Granton).
„ 11. Edinburgh, Perth and Dundee.

IRELAND.

No. 14.

May 11. Great Northern and Western of Ireland.
„ 11. Great Southern and Western (Extension from Tullamore to Athlone).
„ 12. Midland Great Western of Ireland (Extension to Sligo).
„ 12. Midland Great Western of Ireland (Extension to Tullamore).

No. 15.

May 11. Dundalk and Enniskillen.
„ 12. Newry and Enniskillen.
„ 12. Newry, Warrenpoint and Enniskillen.
„ 12. Portadown and Dungannon.
„ 8. Cork and Bandon.
„ 13. Tralee and Killarney.

FIRST REPORT.

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

GROUPS.

Ordered, by The House of Commons, *to be Printed,*
13 *May* 1857.

SECOND REPORT.

GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

LORD HOTHAM reported from the General Committee on Railway and Canal Bills,—

THAT they had added the East Somerset Railway Bill to Group 4 of Railway and Canal Bills.

SECOND REPORT.

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
20 *May* 1857.

44—Sess. 2.

THIRD REPORT.

GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

LORD HOTHAM reported from the General Committee on Railway and Canal Bills,—

THAT they had placed the Andover Canal Sale Bill on Group 4 of Railway Bills; and that they had transferred to Group No. 1 the remaining Bills on Group 3, namely, Reading Railways Junction Bill, and South Eastern (Reading Junction) Bill.

Groups.

ENGLAND.

No. 1.

Read 2°.

Metropolitan.
May 13. South London.
„ 13. West London and Crystal Palace.
„ 14. Westminster Terminus (Clapham to Norwood) Abandonment.
„ 13. Richmond and Kew Extension.
„ 12. Reading Railways Junction.
„ 13. South Eastern (Reading Junction).

No. 2.

May 11. East Kent (Strood to St. Mary's Cray).
„ 11. Herne Bay and Faversham.
„ 12. Mid-Kent (Croydon Extension).
„ 12. Mid-Kent and South Kent.
„ 13. South Eastern (Greenwich Junction to Dartford).

No. 4.

Read 2°.

May 8. Bristol and South Wales and Southampton Union.
„ 8. Dorset Central.
„ 11. London and South Western (Acts Amendment).
„ 13. Southampton, Bristol and South Wales.
„ 13. Salisbury and Yeovil.
„ 11. East Somerset.
„ 19. Andover Canal Sale.

No. 5.

May 13. Stratford-upon-Avon.
„ 12. Mid Sussex.
„ 12. Portsmouth.
„ 13. Ringwood, Christchurch and Bournemouth.
„ 11. Lewes and Uckfield.
„ 14. Wimbledon and Dorking.

No. 6.

May 11. Eastern Counties (Extensions).
„ 13. Tilbury, Maldon and Colchester.
„ 12. Norwich and Spalding.
„ 18. Great Northern.
„ 8. Cwm Amman.
„ 8. Birkenhead, Lancashire and Cheshire Junction (Steam Boats, &c).

No. 7.

May 11. Ely Tidal Harbour and Railway.
„ 11. Ely Valley.
„ 12. Newport, Abergavenny and Hereford (Extensions).
„ 13. Rhymney.
„ 13. Taff Vale.

No. 8.

Read 2°.

May 8. Bourn and Essendine.
„ 13. Stamford and Essendine.
„ 12. Manchester, Sheffield and Lincolnshire (Railway to Romily, &c.)
„ 12. Manchester, Sheffield and Lincolnshire (Railway to Buxton, &c.)
„ 13. Stockport, Disley and Whaley Bridge (Extension).

No. 9.

May 8. Cannock Mineral, No. 1.
„ 12. North Staffordshire (Bridgewater Canal).
„ 13. Shropshire Union Canal Company, London and North Western Railway Company, and Shropshire Union Railway Company.
„ 8. Blyth and Tyne.
„ 12. North Eastern (Lanchester Valley).
„ 13. West Hartlepool Harbour and Railway, and North Eastern Railway (Amalgamation).

No. 10.

May 8. Blackburn (Extensions).
„ 8. Doncaster and Wakefield.
South Yorkshire and North Lincolnshire Junction.
„ 12. Oldham, Ashton-under-Lyne and Guide Bridge.

No. 11.

May 11. Lancaster, Carlisle and Ingleton.
„ 12. North Western.
„ 14. Whitehaven and Furness Junction (Increase of Capital).
„ 8. British and Irish Grand Junction.

SCOTLAND.

No. 12.

Read 2°.

May 8. Banff, Portsoy and Strathisla.
„ 11. Keith and Dufftown.
„ 8. Carlisle and Hawick.
„ 8. Bathgate, Airdrie and Coatbridge.
„ 12. Monkland.

No. 13.

May 11. Fife and Kinross.
„ 11. Kinross-shire.
„ 11. Leslie.
„ 13. West of Fife Mineral (Extension).
„ 8. Caledonian (Running Powers, &c.)
„ 8. Caledonian (Lines to Granton).
„ 11. Edinburgh, Perth and Dundee.

IRELAND.

No. 14.

May 11. Great Northern and Western of Ireland.
„ 11. Great Southern and Western (Extension from Tullamore to Athlone).
„ 12. Midland Great Western of Ireland (Extension to Sligo).
„ 12. Midland Great Western of Ireland (Extension to Tullamore).

No. 15.

May 18. Dundalk and Enniskillen.
„ 18. Newry and Enniskillen.
„ 12. Newry, Warrenpoint and Rostrevor.
„ 12. Portadown and Dungannon.
„ 8. Cork and Bandon.
„ 13. Tralee and Killarney.

THIRD REPORT.

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

GROUPS.

Ordered, by The House of Commons, *to be Printed,*
25 May 1857.

53—Sess. 2.

FOURTH REPORT.

GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

LORD HOTHAM reported from the General Committee on Railway and Canal Bills,—

THAT they had placed the Metropolitan Railway (No. 2) Bill on Group 1 of Railway Bills.

FOURTH REPORT.

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
11 *June* 1857.

95—Sess. 2.

649

REPORT

FROM THE

SELECT COMMITTEE

ON THE

SHEEP, &c. CONTAGIOUS DISEASES PREVENTION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
26 *June* 1857.

129—Sess. 2.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 11° *die Junii*, 1857.

MEMBERS PRESENT:

Mr. Colvile.	Mr. Caird.
Mr. De Vere.	Mr. Bentinck.
Mr. Gurdon.	Mr. Ball.
Mr. Finlay.	

Mr. *Bentinck* was called to the Chair.

Committee deliberated.

[Adjourned to Tuesday next, at One.

Martis, 16° *die Junii*, 1857.

MEMBERS PRESENT:

Mr. BENTINCK in the Chair.

Mr. Miles.	Mr. Gurdon.
Mr. Colvile.	Sir T. Burke.
Lord Naas.	Mr. Stafford.
Mr. Caird.	Sir John Shelley.
Mr. Finlay.	Mr. Ball.

Professor *James B. Simonds*, Captain *A. Campbell*, Mr. *John Marriage*, Mr. *Joseph Kilbee*, and Mr. *T. Cullen*, examined.

[Adjourned to next Tuesday, at One o'clock.

Martis, 23° *die Junii*, 1857.

MEMBERS PRESENT:

Mr. BENTINCK in the Chair.

Mr. Caird.	Mr. De Vere.
Mr. Colvile.	Mr. Gurdon.
Lord Naas.	Sir J. Shelley.
Mr. Ball.	

Mr. *James Cockburn*, Mr. *William Heath*, Mr. *Joshua Freeman*, Mr. *William Drake*, and Mr. *J. L. Hackett*, examined.

[Adjourned to Friday, at Two o'clock.

Veneris, 26° *die Junii*, 1857.

MEMBERS PRESENT:

Mr. Bentinck.	Lord Naas.
Sir J. Shelley.	Mr. Gurdon.
Mr. Colvile.	Mr. Caird.
Mr. Miles.	Mr. Fitzgerald.

Committee deliberated.

Motion made, and Question, "That the Chairman do move the House for power to report Observations and Minutes of Evidence" (*Chairman*), put, and agreed to.

Report read, considered, and agreed to.

Ordered, to Report the same, and the Minutes of Evidence, to The House.

To Report.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	FROM WHENCE SUMMONED.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. James Cockburn -	Farmer - - -	Norwich - - -	1	2 1 –	1 1 –	3 2 –
Mr. William Heath -	Farmer - - -	Norwich - - -	1	2 14 –	1 1 –	3 15 –
Mr. Joshua Freeman -	Farmer - - -	Lynn - - -	1	2 1 –	1 1 –	3 2 –
Mr. William Drake -	Solicitor - - -	Durham - - -	1	1 12 –	1 1 –	2 13 –
Mr. J. L. Hackett -	Gentleman - -	Boyle - - -	3	- -	3 3 –	3 3 –
					£.	15 15 –

LIST OF WITNESSES.

Martis, 16° *die Junii*, 1857.

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Mr. Joseph Kilbee - - - - - - - - - p. 24
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MINUTES OF EVIDENCE.

Martis, 16° *die Junii*, 1857.

MEMBERS PRESENT.

Mr. Bentinck.	Mr. Gurdon.
Sir Thomas Burke.	Mr. Miles.
Mr. Caird.	Lord Naas.
Mr. Colvile.	Sir John Shelley.
Mr. Ball.	Mr. Stafford.

GEORGE W. P. BENTINCK, Esq. IN THE CHAIR.

James Beart Simonds, Esq., called in; and Examined.

J. B. Simonds, Esq.
16 June 1857.

1. *Chairman.*] WE want to ask you your opinion on various points connected with the pleuro-pneumonia disease; you are, I believe, the Veterinary Professor to the Royal Agricultural Society?—I am; and as veterinary professor to that society, and to the Royal Veterinary College, I have had ample opportunity of being acquainted with most of the diseases to which cattle and sheep are liable.

2. State to the Committee your opinion generally as to the contagious or infectious nature of pleuro-pneumonia?—The disease which is designated pleuro-pneumonia is one of doubtful contagiousness; it belongs especially to the class of affections which are designated epizootic, which term is analogous to the term epidemic in the human subject, and consequently such diseases frequently spread from the special causes in operation to produce them; they may, however, also be contagious in the ordinary acceptation of the term.

3. But is it your opinion that it spreads by contagion or infection?—I believe it frequently spreads from contagion or infection; that it spreads from that cause, as well as the common causes which were in operation to produce it as an epizootic disease.

4. Have you had any opportunities of observing any cases in which the disorder has been introduced into this country by the importation of cattle from abroad affected with it?—I have not had any direct means of tracing infected animals into this country, and knowing how they were disposed of afterwards; but I have reason to believe that many animals infected with pleuro-pneumonia have often been introduced into this country from Holland and contiguous states.

5. And consequently that the amount of disorder in this country has been increased by those importations?—Decidedly.

6. Do you think that has arisen from any want of precaution as to the regulation of the importation of foreign cattle, or do you think the character of the disease such as to render all precaution impossible?—Pleuro-pneumonia is a disease that is scarcely recognizable in the early stages of it, and consequently an animal may be affected, and the inspector who examines the animal for the Custom House, although efficient in the performance of his duties, may fail to detect it. From the insidious nature of the disease at the time the animal may be passed, but in a few days the disease would assume a character that is unmistakeable.

J. B. Simonds, Esq.

16 June 1857.

7. The disease may exist, but it is impossible for the inspector to detect it at the time the beast is landed in this country?—Just so.

8. How long do you consider the disease may remain in that latent state as not to be discoverable by examination?—In this special disease a week or ten days may elapse, or longer. It is an affection that frequently goes on very slowly and very stealthily.

9. But you think that a week or ten days would always develop the disorder sufficiently, where it existed, to enable you to detect it?—Yes.

10. Then some measure of quarantine would have the effect of preventing the introduction of diseased cattle?—Yes; but, in my opinion, there are many practical objections to the establishment of a quarantine. It must be borne in mind, that animals that are sent into this country are the property of different individuals. A ship's cargo may therefore belong to five or six persons; some of those animals may have been exposed to the influence of a contagious disease, some may not. The consequence would be, that you must appoint separate places for each man's stock; because if, on the contrary, they are all put together, the object of a quarantine being to test the soundness or freedom of animals from disease, it is evident that on the breaking out of the infection, you expose healthy stock to it, and great mischief would be done. Besides that, the period of time the cattle are kept must be indefinite; for the diseases to which animals are liable vary in their incubation. Then, these animals must be supplied with food; and when we take all these matters into consideration, a quarantine could never be established in a country like this. I think a quarantine would absolutely amount to a prohibition of animals being sent in.

11. Do I understand you think that these difficulties will apply to cattle that have all come over in the same vessel from the same port?—Yes. On the occasion of the introduction of some small-pox sheep, an affection which excited a great deal of public attention in this country, and led, I believe, to the passing of a special Act, it was well ascertained that very many of the sheep were perfectly healthy when put on board with the diseased, and that they came from healthy districts. Those animals, consequently, were quite fit to go into a market; and if a disease does not break out while the animals are on board ship, the whole would go to market; but if you establish a quarantine, and some of the animals have been exposed to the influence of small-pox, then healthy animals would be liable to take the infection from them.

12. But would not the animal have been already liable to the infection from having been shut up so many days on board ship?—Not unless the disease had declared itself in some of them during the time they were on board ship. It is just possible, but not very probable, that such might be the case. For example, a very few hours suffice to bring over animals from Hamburg to Hull or to London, and of course importers would not put unhealthy animals on board. They believe at the time they put them on board they are in a state of health, and the period of time that these animals are usually on board may be insufficient for the disease to declare itself, because this is one of those diseases that is incubated in the system of an animal from nine to twelve days.

13. Why are you disposed to place such reliance on the disinclination of importers at Hamburg to put diseased cattle on ship board?—For this reason, that when they arrived in London those animals would be seized by the inspector, and would not be allowed to go into the dead meat market at all, and there would be a direct loss on animals of that description.

14. Lord *Naas.*] What are the duties at present performed in the port of London in regard to the inspection of foreign cattle?—I believe they consist chiefly of an examination of the cattle by the inspector appointed by the Board of Customs, and that the Board of Customs has power to detain a cargo of animals for any length of time it may see fit, according to the report of the inspector.

15. Who are the inspectors?—Veterinary surgeons.

16. Do you know whether those duties are sufficiently performed or not?—I have reason to believe they are efficiently performed.

17. Is there an active and constant inspection of all foreign cattle that come to the port of London?—There is.

18. Mr. *Ball.*] An inspection of all animals that come in?—Yes.

19. Lord *Naas.*] Do you know that of your own knowledge?—From my own knowledge

knowledge in part; that is, I have frequently been down to the docks and seen the cattle, and I have often been called in to cases which the inspectors had put aside, to determine if they were fitting animals to send into the market or not.

20. Mr. *Colvile.*] Does that apply to Irish animals?—I believe there is not any such regulation as to Irish animals.

21. Sir *Thomas Burke.*] Or to Scotch animals?—I think not.

22. Then it only applies to foreign cattle?—Only to foreign cattle.

23. Mr. *Caird.*] Might not animals in which the disease has not manifested itself be slaughtered and be fit for food, which, if placed in quarantine, would become unsound and unfit for food?—Certainly.

24. Mr. *Stafford.*] Do you think the legislation on this subject is sufficient, or that more is desired?—I think more is desired; I think that many diseases which are not included in the present Act of Parliament should be included in the new Act; and I think that some clause should be inserted regulating the disposal of the cattle after they have arrived in England.

25. Lord *Naas.*] Do you allude to home or to foreign cattle?—To foreign cattle.

26. Mr. *Gurdon.*] Not to Scotch and Irish?—No.

27. Lord *Naas.*] Do you think that any further legislation is desired as to the cattle of our own country?—Yes.

28. What sort of legislation?—I think that means should be taken to prevent the extension of diseases that exist now in this country, such as pleuro-pneumonia and eczema among cattle—the mouth and foot disease; I would also include others.

29. What precautions do you think you could take?—Similar to those that apply to the small-pox in sheep.

30. What are they?—The infliction of a penalty of 20 *l.* in the event of these animals being despastured on open land, or being sent to market and exposed for sale; in fact, if sold in any way.

31. Have you read the provisions of this Bill?—I have.

32. Do you approve of them?—I approve of them as far as they go; but I think it necessary that the Bill should be extended in many important particulars.

33. *Chairman.*] You see nothing objectionable in the clauses of the Bill as far as it goes?—Nothing objectionable. It is necessary to add other diseases to those that are named. I think that in legislating in a matter of this kind, we should have special diseases named, rather than use such indefinite terms as "other contagious or infectious disorders."

34. You would specify every disease to which the Act applied, and include none except those named?—I would specify all those, and leave in the words "other infectious and contagious diseases." I do not see any objection to those words, taken in conjunction with others.

35. You would make it more explicit by introducing the names of other disorders?—I would.

36. Mr. *Ball.*] What are they?—After glanders, I would introduce farcy, being a disease to which horses are very liable, equally infectious with glanders, and perhaps identical with it, as is shown by the fact that if you take the matter of farcy, and inoculate a healthy horse, it is more than probable that you will produce in the animal glanders; and if you take the matter of glanders from a horse, and inoculate another horse, it is just possible you may produce farcy. I mention this to show the identity that exists between these two diseases, and consequently the necessity of embracing farcy with glanders.

37. Lord *Naas.*] Are you aware that there is at present in existence an Act as to glanders?—I am aware that a few years after the passing of the Sheep and Cattle Contagion Bill glanders was introduced by a separate clause.

38. And any person bringing a glandered horse into a market for sale, or turning a glandered horse into a public pasture, should be fined a sum not exceeding 20 *l.*; do not you think that is sufficient?—I would add farcy to glanders.

39. Is all farcy contagious?—The term "farcy," like many others used in veterinary practice, is badly employed; there are many diseases commonly called farcy in the country that are not farcy.

40. Suppose you were to extend these provisions to a farcied animal, who would you get to decide whether the disease was what you called farcy, or what the people

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in the country called farcy?—I think there should be some provision made in the Bill for the inspection of animals by veterinary surgeons under certain circumstances. It appears to me that one great defect in the present Bill is, the fact that there is no machinery in operation by which we can ascertain the whereabouts of disease, presuming it is necessary to proclaim a district, because, say small-pox is in the sheep, we know nothing of the district that may be so affected only by hearsay; the Government has no means of acquiring information on that important point.

41. You mean to say that with regard to pleuro-pneumonia you propose to proclaim a district in which pleuro-pneumonia was known to exist, and so establish a sort of quarantine with regard to that district, and that you would prevent all animals going from that district into another?—I would deal in that manner with every contagious and infectious disease to which cattle and sheep are liable.

42. Including pleuro-pneumonia?—Yes.

43. What amount of pleuro pneumonia in a farm would justify the establishment of such a system as that?—I think the law should be made to apply to a single case.

44. How far do you think the district ought to extend round that single case?—Just that one single spot, that one farm.

45. Would you confine it to the farm, the field, the parish, or the town land?—To that farm. You have a clause in operation in the present Act that no individual shall depasture any animal infected with or labouring under any contagious or infectious disorder on or upon any forest, and so on.

46. Would you place all animals in the farm under quarantine, or only this particular animal?—No; but I should legislate for their disposal afterwards.

47. Explain to the Committee how you propose to discover those unfortunate animals?—I think that farmers should be called on to return their losses of cattle and sheep from all diseases and accidents. As I have written a note here, perhaps I may be allowed to read it:—"Farmers should return their losses of cattle, sheep, and pigs from all diseases and accidents at certain intervals, and from contagious diseases immediately on their occurrence, by filling up prepared forms; these might be sent to the Board of Guardians, and forwarded through the Poor Law Commission to the Board of Trade."

48. You propose this, that if a farmer who was in possession of a large herd of cattle found that a case of pleuro-pneumonia or other infectious disease existed in his herd, that then he should immediately publicly inform the Board of Guardians of the fact, and place himself, his farm and his cattle in quarantine?—I think so.

49. Now do you think that any such clause inserted in any Act of Parliament would be likely to receive the sanction of the legislature; are you aware that on the question of agricultural statistics there has been great diversity of opinion and objection?—Perfectly.

50. Do you not think that a far greater objection would be taken by a farmer to announce to the whole world that he had what some people might call an infectious disease among his cattle than to tell the public what number of cattle he had in his fields?—I think not; I have always found farmers most ready to communicate any losses they may sustain from disease.

51. Now suppose a man has many hundreds of store cattle (and the case with regard to pleuro-pneumonia is stronger with regard to store cattle than it is with regard to fat cattle), and a large fair is approaching at which this gentleman is obliged to sell the greater portion of his store cattle; do you mean to tell the Committee that that man could be forced to proclaim to the public the existence of a contagious disease among those cattle, and so deteriorate the value of 100 or 150 head of cattle 50 or 60 per cent.?—I do not suppose that an individual under such circumstances would make such a declaration; but I think that any Bill which is to limit the effect of pleuro-pneumonia would be inoperative, unless you deal with that man's animals as infected animals. If he is allowed to send those animals into the market, and to communicate disease to other animals, all legislation will be inoperative.

52. Can you tell the Committee how a farmer could be made to state publicly the existence of disease among his herd, when the effect of that declaration would be to deteriorate the value of his cattle at the ensuing fair 50, or 60, or 70 per cent., because nobody would buy store cattle of a man whose herd he knew

knew to be infected by disease?—Just so; but I was speaking generally with regard to my knowledge that farmers have been ready to communicate the state and condition of their cattle, and I can imagine individual cases, such, for example as you have drawn, where there might be great difficulty in the way.

53. Are you really acquainted with country affairs and the buying and selling of cattle?—Perfectly so.

54. And do you not know of your own knowledge that the great endeavour of a man who has a contagious disease among his store cattle must be to conceal it from the public?—His interests are unquestionably involved, presuming he is compelled to sell those animals; but I hold that very frequently a man is not compelled to sell those animals, and I hold that legislation should be to prevent a man selling animals under such circumstances.

55. Suppose this case, which frequently occurs in Ireland, that people keep their store cattle up to a certain time of the year, that is, up to winter, when they must either sell them, or let them starve; do you think that a man under those circumstances would be likely to tell the Board of Guardians that his cattle were affected with disease?—It is impossible for me to say what a man would be likely to do, as it is an unfortunate position for a man to be placed in, that he has no food for a number of animals that are all in a state of disease: he has either to keep them under the circumstances until they die, or has to send them into a market to spread infection all over the country.

56. I do not say that all are diseased; I say one out of 150?—Then if this disease is a contagious disease, all that have been exposed to it may have the affection incubated in their system, and may go through the country, and spread the disease far and wide. I think the case which your Lordship has put is a strong one to show the necessity for legislation on the subject.

57. We were alluding to the legislation which you propose, and the possibility of enforcing it. As to fat cattle, you stated that in the early stages of pleuro-pneumonia the meat is not affected?—Just so.

58. Is there not a great deal of meat exposed for sale in the market affected with pleuro-pneumonia, which is fit for human food?—Unquestionably a great deal of the meat which is exposed for sale, and which is the produce of animals slightly affected with pleuro-pneumonia, is fit to be used for food.

59. Would you exclude that from the market?—I would not exclude such meat from the market.

60. Do you not see that this Bill proposes to exclude it from the market?—I think a discretionary power must be left with inspectors of markets as to the condition of the flesh of animals killed labouring under such affections.

61. Would you have an inspector in every cattle market?—An inspector should be appointed in all markets, and more particularly in London.

62. What powers do you propose to give him?—I would give him the power of seizing any animal which was found to be infected with disease. I do not know what connexion can be made to exist between the inspector of a market and the inspector of a slaughter-house, but there ought to be inspectors of slaughter-houses as well.

63. Do you propose to leave to this inspector to decide whether the beast is or is not fit for human food before it is killed?—I think that professional men should be appointed as inspectors of markets, and they are the only men competent to decide such matters.

64. Then you do not propose to exclude from markets all animals that are labouring under the incipient stages of disease, but only such animals as the inspector may think too bad to be killed?—I propose to exclude from markets all animals that are labouring under a contagious disease, in any of its stages, but it is possible that under the best regulations some diseased animals may yet find their way into the market.

65. Will you describe the different symptoms of pleuro-pneumonia, beginning with its early stage?—The early symptoms are not, as I have before observed, very easily recognised. They may sometimes consist of a little staring of the coat, a very slight cough, and a fastidious appetite; and these indications of disturbed health may show themselves more particularly at one period of the day than another. For example, in the first part of the morning, supposing the animals are at pasture, you will find that they are standing under the hedge, and not feeding so well as they will when the sun gets up; they will then be mingling with the herd, and apparently in good health; or if

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animals are in sheds, we observe that at the first outset of the disease we have but little more evidence of their being affected than a slight cough. As the disease advances, and the rapidity of its advance may be governed by many secondary causes; take as an example the case of a cow which becomes infected in one of the London dairies. This animal is living with a number of others, in a low building, very badly ventilated, and kept in a dirty and filthy state. Such causes predispose the animals to this disease, as well as to many others, and those causes also hasten on such affections as pleuro-pneumonia to a fatal termination. The disease would proceed much more rapidly under such circumstances. Then we should find, in what may be called the second stage of the disease, that a difficulty of breathing exists, that the appetite is lost, the cough more frequent, the pulse increased, the coat staring, and so on. In a still later stage of the disease, the breathing would become still more laboured and difficult, and the surface of the body would be irregular in its temperature. For example, the horns and the ears and legs would be cold, while other parts of the body would be warm. Rigors will now and then show themselves, the pulse will become more frequent, and the animal be found to grind its teeth, as an expression of pain, and moaning, as another expression of pain. The bowels, at this stage of the disease, become not infrequently irregular, and in fact diarrhœa sets in, and in the still later stages of the disease the food which is in the stomach goes into a state of fermentation. The animal becomes tympanetic, the bowels more irregular, the body deadly cold, the pulse nearly indistinct and rapid, and in this condition it dies.

66. Are you able to state the various symptoms from day to day?—I have stated, that supposing the animal is exposed to such causes as would hasten on the disease, all that I have just narrated may take place in the course of a week or so. In other cases, where the animal is not exposed to such causes, it may linger on for a fortnight, three weeks, or a month.

67. Now, in the early stages to which you have alluded, the staring coat, and the like, would it not be very difficult for an inspector to say whether such an animal was or was not suffering under pleuro-pneumonia, or merely from the effects of cold?—Yes, certainly, it would be difficult.

68. Would not over-driving and a sudden chill give very much the same appearances that present themselves in beasts that are suffering under the early stages of pleuro-pneumonia, namely, the loss of appetite, the staring of the hair, and the general appearance of cold?—Causes of that kind might give rise to a state of the system which would have some analogy to the symptoms in the early stages of pleuro-pneumonia.

69. How do you propose to define the power of the inspector; would you give him power to turn such a beast as that out of the market which he thought was suffering under the incipient stages of disease only?—Certainly.

70. Would you give the inspector power to turn every beast out of the market which he thought it was possible might hereafter become afflicted with pleuro-pneumonia?—I would give him power to exclude any animal from the market which in his opinion at the time gave sufficient evidence of the disease, pleuro-pneumonia.

71. How can the exposure to sale of animals of this description in a fat meat market, where nine-tenths of the animals will be slaughtered within 48 hours after the market has concluded; how can the exposure of such animals as those for sale tend to the spread of disease?—The introduction of such an animal as that into the fat meat market would not, under the circumstances you have named, tend to the spread of disease; but it is well known that even in the so-called fat cattle market of Smithfield many animals are bought for store purposes; bought by farmers, and taken into the country. If you could secure the killing of all the animals within a given length of time, that is in two or three days, then there would be no mischief resulting.

72. Mr. *Miles*.] And the meat would be perfectly good?—Yes.

73. In how many stages of the disease do you fancy that the meat would be fit for human food?—I think it would be fit for human food in the second stage of pleuro-pneumonia.

74. Lord *Naas*.] Did you ever know a beast suspected to be distempered bought in a fat cattle market for the purpose of storing?—I have known many individuals that have purchased animals; for example, Irish animals, which they have supposed at the time to be labouring under the mere effect of fatigue, from being

being sent from market to market. They have thus not hesitated to buy them, but the sequel has proved that they were affected with pleuro-pneumonia at the time they were purchased.

75. They were bought for the purpose of storing?—Yes.

76. Do you think that an inspector, who would only have the same power of discovering whether these animals were afflicted with pleuro-pneumonia, would be a better judge than the gentleman you have spoken of?—As a professional man he would.

77. Do you think any man would buy a distempered beast, knowing it to be so, for the purpose of keeping it?—No; certainly not.

78. Do you think that pleuro-pneumonia can be cured?—As a general rule it cannot.

79. Do you not think it would tend much to spread disease, if beasts which were decidedly afflicted by pleuro-pneumonia were kept at home by their owners, and endeavoured to be cured, instead of being sent to market at once to be slaughtered?—I think not.

80. Mr. *Miles.*] Does not the English farmer, when he knows a beast is attacked with this disease, send him to the butcher?—That is the usual practice.

81. Lord *Naas.*] Do you not think that any Act of Parliament that would throw any obstacles in the way of a farmer getting rid of a distempered beast, would have the effect of keeping a considerable number of animals alive which would otherwise be slaughtered?—I think, if an Act is carefully prepared, it would have no such effect.

82. How could you prepare an Act that would not have that effect? Do you not think that this Act would have that effect as it is now?—I think not; I think this Act does not go far enough.

83. Do you not think that the provisions of this Act would prevent diseased animals from being slaughtered as quickly as they are now; would it not prevent them from coming to the market?—I do not think it would prevent them coming to the market.

84. What is the use of their going to the market if they cannot be sold?—Exactly so.

85. Mr. *Miles.*] But it subjects them to the penalty of 20*l.*?—Yes, for sending any animal which is known to be in a state of disease from off the farm to the market.

86. *Chairman.*] But if I understand you right, your opinion is that they ought not to come to market at all?—Just so.

87. That is your object in legislating on the subject?—My object in legislating is to keep these animals as much as possible from being brought in contact with other animals.

88. Mr. *Caird.*] In what condition would a farmer be who has cattle that he is informed that he can neither sell nor dispose of?—They are saleable as slaughtered animals in the early stages of the disease.

89. Lord *Naas.*] Would it not have the effect of casting suspicion on the whole dead meat market in this country, and would not the conclusion that people would come to be, that the greater portion was diseased meat?—I can hardly think it would have that effect. It is well known that the meat of diseased animals finds its way into the dead-meat market, and has done so for years and years past in very considerable quantities; not only animals which are labouring under disease, but frequently animals that die with disease are thus disposed of. There is a class of butchers that will be found to buy anything in the shape of an ox, or a pig, or a sheep.

90. Mr. *Miles.*] Have you been to Newgate Market on a Saturday?—Yes, frequently.

91. Have you seen the description of meat that is sold there to the poorer classes?—I have seen meat exposed for sale which was quite unfit for human food.

92. In every state of disease?—Yes.

93. A proper inspection, according to your idea, would prevent that?—Yes.

94. At present, I believe, the inspection is wretchedly bad?—Yes.

95. Mr. *Ball.*] Do you think it would be injurious to a farmer if he was to report immediately that he discovered disease in his cattle?—I can hardly think it would.

96. Would it not be for his benefit to have the diseased animal taken from the rest, and if, upon his communicating to the Board of Guardians, or any other

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recognised body, they certify that the other animals were pure and clean, that would rather advance than injure his sale, as Lord Naas supposes?—Under such circumstances it is possible that that might be the operation of the measure; but my desire would rather be to have a report made to some competent authority, as, for example, through the Board of Guardians to the Board of Trade, or a sectional division of the Board of Health. I think that there are so many well-known difficulties in the way of the treatment of cattle when labouring under disease, that often measures of a prophylactic nature might be suggested by the Board of Health to an individual farmer which he would not object to put in operation, and that with considerable advantage.

97. Therefore, you cannot suppose that it is to the farmer's interest to conceal disease?—I have never found that a farmer has to me individually, or any other professional man, concealed the amount of disease.

98. Is it not to the farmer's advantage to be able, if he has 100 beasts, to take those 100 beasts into the market, and if anybody suspected disease, to say, "These have been certified by an inspector to be sound;" would not that facilitate his sale?—Unquestionably it would.

99. Mr. *Gurdon.*] And if at the same time it was known that out of those 100 beasts ten had dropped down from pleuro-pneumonia, would it not make people very shy of buying the other 90, if it was once known that he had had the disease within a short time on his farm?—It is doubtless one of those things that it is exceedingly difficult to deal with in its various details. There is much to be said on both sides of the question.

100. Mr. *Ball.*] Suppose he had ten drop down dead, and he had driven the other 50 or 60 to market, would it not benefit him to have those reported as pure, and the responsibility thrown on the inspector instead of himself?—There can be no question that if animals are sent to a market, and they are known to have come from a diseased herd, their value would be deteriorated; but I think that that is rather an extreme view to take of a question of legislation to prevent the extension of contagious diseases, and I further think that you must deal with facts, and not with probabilities arising out of the existence of a disease on a farmer's premises. If it is a fact that a farmer has a disease which is established beyond all question of doubt to be a contagious one, and more especially if it should be a disease which is known to be incubated in the system of an animal for a given time before it declares itself, then under such circumstances it is the bounden duty of the Government, for the protection of the interests of the country, to prevent those animals being disseminated throughout the length and breadth of the land.

101. Mr. *Caird.*] How long do these symptoms exist without being detected?—They may exist for three or four days without being detected.

102. Or longer?—In individual cases perhaps longer.

103. Then, as the disease cannot be detected in the early stages, is it not impossible for any inspection, however stringent, to prevent such stock being sold as sound, and might not the disease be spread over the country in spite of legislative restriction?—It might be so unquestionably, but those would only be, comparatively speaking, a few cases.

104. Still those few cases would spread the disease?—Yes.

105. And thus you see it is impossible to prevent the spread of the disease by legislative restriction?—I think it is impossible to prevent entirely the spread of disease by legislative restriction, but it may be prevented to a very great extent

106. Mr. *Ball.*] There are diseases in the human body that you cannot entirely eradicate, and yet it is good to have a professional man to attend and examine, and to endeavour to cure; so, in like manner, the inspection here would be a prevention?—Yes; the inspection would test the nature of the affection under which the animal is labouring, and the inspector would be able to determine whether it was a case of an ordinary disease, or a contagious one. I may remark to the Committee, that in many parts of the continent, in Hanover for example, veterinary surgeons practising in the country are bound to report to the Government every case of contagious disease they meet within the course of their practice. In Holstein, in Mecklenburgh, in Lübeck with its territory, and in Hamburg with its territory, the measures as regards pleuro-pneumonia are far more stringent than anything I have alluded to. They go as far as the slaughtering of all the animals that have the disease, and others that have been living with them.

107. Have those precautions prevented the disease?—It is believed by them that pleuro-pneumonia has frequently been exterminated by the adoption of those severe measures.

108. Mr. *Miles.*] Is any sum paid for the animals so slaughtered?—Yes; which sum is put on them by a jury impanneled previous to the slaughtering of the animals.

109. Lord *Naas.*] Is that paid for by the Government?—Yes, as a rule; sometimes by insurance societies.

110. Do you think that our Chancellor of the Exchequer would sanction that?—No.

111. Now, take an animal in one of those foreign countries that you have alluded to, that has only been suspected to be diseased, and which would likewise be subjected to be slaughtered; what deterioration of price would there be between that animal and a perfectly sound animal?—The animals are examined after they are slaughtered, and if they are found to be in a state of health, they are allowed to be sent at once into the market, and to be disposed of, consequently there is very little loss indeed sustained on such as them. On animals that are not fat, the estimated value is paid, which is thought to be a perfect equivalent.

112. Even as a sound animal?—As a sound animal.

113. *Chairman.*] I want to ask a few more questions as to this disease. I think in the early part of your evidence you stated it was your opinion that pleuro-pneumonia was an epidemic, and also contagious and infectious; and what you have since told us evidently proves it is your opinion that it is spread by contagion; am I right in so understanding what you have stated?—Quite right.

114. Then you stated there would be great difficulty in establishing a quarantine with a view to prevent the importation of this disorder from abroad?—There would be a great difficulty in establishing a quarantine with reference to contagious diseases; I was not then speaking exclusively with regard to pleuro-pneumonia.

115. But, with reference to these disorders generally, and more especially with reference to the disorder called pleuro-pneumonia, you are of opinion it has been introduced and spread in this country through the means of foreign cattle?—I am of opinion that the disease, pleuro-pneumonia, has been augmented in this country by the introduction of animals labouring under the affection from abroad; it did not, however, originally show itself in England, in consequence of animals coming from abroad suffering with it, but it appeared here, in fact, in the form of an epidemic.

116. But the extent of the disorder in this country is increased by the importation of cattle, in certain cases, suffering under the disorder?—That is my decided opinion.

117. And you would adopt precautionary measures in England tantamount to a quarantine, but you see the difficulties of establishing the same system of quarantine as to foreign cattle?—Yes.

118. But if those arrangements could be adopted, it would tend to the diminution of the disease prevalent in this country?—Certainly.

119. Load *Naas.*] Is it accepted as a truth by all veterinary surgeons that pleuro-pneumonia is contagious in all cases?—I do not think it is.

120. Is there not a great difference of opinion among persons who have practically examined this matter?—There is a difference of opinion on this, as there is a difference of opinion with regard to any other disease, whether it is contagious or not. It is well known that some men are great contagionists, and others not.

121. In your examination of this question, have not some very curious facts presented themselves to you as to the outbreak of this disease, which would shake your opinion very much as to its being contagious?—I believe it frequently extends (as I have before explained to the Committee), from the ordinary causes which produced it at first; that is to say, it comes as an epidemic affection, breaks out in that form, and spreads; but I further believe that it not unfrequently extends itself from one part of the country to another, and among a herd of cattle also from the ordinary influence of contagion.

122. Take a large building, in which cattle are placed for stall feeding; you find cases in different parts of that building, and you find that a beast standing

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next to the beast affected may be the last affected?—We frequently meet with instances of that description, but that does not militate against the opinion of the disease being contagious. A disease may be contagious, and remarkably so, but all animals are not equally susceptible of taking the contagion at the particular time of their first exposure. For example, two individuals may pass into the Small Pox Hospital, both of them unprotected by vaccination, one shall take the disease immediately, the other shall resist it entirely; and that which is a fact with regard to the spread of disease in man, is a fact with regard to the spread of similar disorders in the lower animals.

123. You would not say that pleuro-pneumonia was contagious in the same degree that you would say glanders was?—I think pleuro-pneumonia is equally contagious with glanders.

124. Do you think that in the case which I have alluded to, of a horse standing next to another horse affected by glanders, sharing the same food every day, feeding out of the same trough, the disease would be more likely to be communicated in the case of glanders than in the case of pleuro-pneumonia?—Glanders, I believe, to be a disease not strictly infectious, but contagious; pleuro-pneumonia I believe to be infectious, that is to say, exhalations arising from the diseased animal's body become disseminated through an apartment where a certain number of animals are placed, and some of the animals susceptible take it; but as to glanders, a glandered horse might be placed at one corner of a stable, and if kept apart from other horses in that stable, the exhalations arising from his body would not disseminate the disease. Glanders is not an infectious disease, but a contagious one. The matter that flows from the nostrils coming in contact with the nostrils of another horse would affect him. The *materies morbi* have first a local effect, and then the system becomes ultimately contaminated.

125. Do you not think that regulations such as you have alluded to are more calculated to stop the spread of contagious diseases than of infectious diseases?—Unquestionably.

126. And regulations that might be necessary and very efficient in the case of glanders, and such-like diseases, would not be so necessary with regard to pleuro-pneumonia and other diseases simply infectious?—Just so; but I think it would be easy so to word a clause as to meet these differences.

127. Mr. *Miles*.] At what stage of the disease do you think pleuro-pneumonia becomes infectious?—I think as soon as it declares itself, as soon as it can be satisfactorily ascertained that the animal has the disease; this agrees with every other contagious disease affecting animals. Such diseases as are incubated in the system of an animal, the animal has no power of extending during the period of incubation; but as soon as the disease declares itself, then it takes on either its contagious or infectious property, or both.

128. Supposing you had twenty animals tied up, and one is affected merely by what is called the incipient state, that animal is taken away, and slaughtered; but if it has been with other animals for two or three days, would the other animals be infected by the presence of that animal for those two or three days? Not necessarily so; the probability is, that all would escape; it is just possible that one or two might take the disease; that would depend entirely on the degree of susceptibility that existed among the animals at the time they were living with the diseased.

129. Your opinion is, that from the very first moment the disease attacks the animal, it is contagious?—I believe it is so.

130. I will now take you to the other disease, the sheep-pox. Will you describe the symptoms, and say whether you conceive it infectious or contagious?—Small-pox, as a disease attacking animals, seems exclusively to belong to sheep. It is an affection which is highly contagious, and also infectious; it is incubated in the system of an animal for a period of time varying from seven to twelve days, during which the animal gives not the slightest evidence of being affected with any malady: when the disease shows itself, the animal has some constitutional disturbance, which leads to an alteration of the character of the pulse, and is also accompanied with loss of appetite and loss of rumination; but the principal changes show themselves upon the skin. We find, in the first instance, there is efflorescence, a redness of the skin in certain places, more particularly where it is void of wool. This general redness is in a few hours followed by the formation of what are technically called papulæ. These papulæ pass on gradually into a

stage in which vesicles are produced on them, and these vesicles contain the *materies morbi* of the disease. Nature has purified, as it were, the system by the formation of these vesicles, and the consequence is, that, by taking the contents of them, we can propagate the disease from one animal to another, as we do in the ordinary process of inoculation. Subsequently to the formation of the vesicles, ulcers will be found upon the skin. These ulcers will extend more or less deeply into the skin, and the animal frequently dies in the ulcerative stage of the disease; but it is more likely to die in the papular stage, from the circumstance that no purification of its system has as yet taken place. The disease becomes contagious as soon as the papulæ show themselves. It is difficult to say when it ceases to be contagious, and consequently I consider there should be in a Bill to prevent the spread of contagious diseases a regulation that no animal should either be sold by auction, or sent to a fair or market within four weeks from the time of the occurrence of the last case, because I believe that about the wool of these animals the infecton will hang, and that they can thus propagate the disease about the country.

131. Was this disease imported from a foreign country?—It was imported into this country in 1847.

132. Has it been prevalent since?—It was very prevalent for three or four years; it subsequently ceased, and I believe at the present time we have no case of small-pox in the country.

133. To what do you attribute that?—I attribute it in part to the inspection of animals at the Customs; in part to the non-occurrence of the disease on the continent; in part to our own legislation on the subject; and in part also to the fact that the foreign sheep sent into the country are usually slaughtered within a few days of their being brought to market. When the system existed for the purchase of these sheep by farmers as store sheep, then there was a much greater risk run of the outbreak of the infection; but it is known that for the last 10 or 12 years no part of the continent of Europe from which we have had sheep has been infected with small-pox. It was generally found that these foreign sheep did not pay sufficiently well for their keep in this country, and consequently they are now sold to the butchers when they come in; then we have had in operation the Act which practically has isolated these sheep from healthy ones.

134. Have you adopted vaccination?—We adopted vaccination for the prevention of the disease, and we found it was useless for such a purpose.

135. Mr. *Stafford.*] What is the Act to which you refer?—I think it is the 11th & 12th Victoria, chapter 107, mentioned in the preamble of the present Bill.

136. Mr. *Miles.*] Does the meat of animals, when first affected become unfit for human food?—I should say decidedly so in this particular disease.

137. As far as the small-pox in sheep is concerned, do you think any fresh legislation is necessary?—I think that as far as small-pox is concerned, there is no absolute necessity to extend the present measure. There is no machinery, however, at present in operation by which we can ascertain the existence or the whereabouts of that disease.

138. What machinery do you think would effect that?—Similar to that which I have before referred to in speaking of pleuro-pneumonia, namely, returns to be made by farmers as to the state of health of their cattle.

139. Sir *John Shelley.*] What do you mean by the "whereabouts"?—I mean, supposing small-pox is in existence in the county of Norfolk, we do not know that the disease exists there, and the consequence is, that many animals in whose system it is incubated, may be sent into fairs and markets, and spread the malady over the country; whereas if we did know the disease was there, precautions might be taken to prevent its extension.

140. Mr. *Miles.*] Was the loss originally very great from the disease in sheep?—It is one of the most fatal diseases to which sheep are exposed; the loss has often amounted to 90 per cent.; and we can scarcely take it at less than 75 per cent. when the disease is allowed to take its natural course.

141. Sir *John Shelley.*] In what way do you propose to get returns from farmers?—That they should make returns to Boards of Guardians, and that these should be forwarded to the Board of Trade, or some other department of the Government.

142. Would you make those returns periodical?—I would make them periodical

dical as to the general state of the health of the animals on the farm, and I would call for special returns on the outbreak of a contagious disease.

143. Would you propose to inflict a penalty on farmers if they did not make returns in the event of their having disease in their flocks or herds?—I am inclined to think that farmers would make the return without the infliction of penalties.

144. Mr. *Miles.*] I understood you to say you did not think the Bill went far enough as to the description of the diseases. You mentioned eczema. Do you think that is so fatal a disease that it is necessary it should be placed in the Bill, and that any person who drove an animal to market affected with that disease should be subjected to a penalty of 20*l.*?—Eczema is not a fatal affection as a rule. It is a disease that produces great loss in condition, and there are some reasons that may be advanced for excluding eczema from the Bill.

145. Will you state what eczema is?—It is the disease commonly known under the name of the mouth and foot disease; one of those diseases that shows itself suddenly. There is no reason to believe that it is, like small-pox, incubated in the system; and consequently a herd of cattle might leave the premises of the farmer healthy, and become affected on the road to market.

146. Was that an imported disease?—No.

147. How long has it been prevalent?—It showed itself in 1839.

148. For the first time?—Yes.

149. Lord *Naas.*] Cattle scarcely ever die of that disease?—Rarely.

150. Sir *John Shelley.*] In your opinion, in regard to the foot disease, is it easily spread by cattle passing across ground where an affected animal has been?—I do not think there is sufficient proof of the disease being extended in that manner. It is a disease which, as a general rule, prevails as an epidemic, and consequently all animals in a given district are more or less liable to become affected; but, like all other diseases of the same class, if the animals are made to undergo any exertion at that particular period of time, then they are more likely to become affected. I will give you an example. A man shall have 20 head of fat stock on his premises, which shall be in a fit state to go to market; he shall select 10 out of them to send to the London market: the ten that are sent to the London market will, not unfrequently, become affected with the disease while on the road, and the other animals that remained at home will continue healthy.

151. You do not think that that disease is caught on the road?—No; I merely consider the animal itself is brought into a state favourable for the reception of the disease by the exertion it has undergone, and the altered circumstances under which it is placed.

152. Mr. *Miles.*] State your reason why you think that disease should be included in this clause?—For the same reason that pleuro-pneumonia should be included, namely, that although the disease assumes an epizootic form, it spreads likewise from contagion.

153. Is the meat of animals slaughtered while this disease is upon them unfit for human use?—I do not think it is.

154. Mr. *Gurdon.*] You were talking about the foot disease as an epidemic; do you not think that sheep are more liable to the foot disease in a rich wet pasture than on a firm dry land?—There are several diseases of the foot of sheep which are commonly considered to be identical; whereas it is known professionally that sheep are subject to an ordinary "foot-rot," and are more particularly exposed to that disease when depastured on rich pasture ground in parks, and so on, particularly if the nature of the soil is clay; the disease thus arising altogether from local causes, has many characteristics in common with the other disease of the foot, which is produced from special or particular causes, and consequently the two things are likely to be confounded together.

155. *Chairman.*] I think you recommended that farcy should be included among the diseases in the Bill?—Yes.

156. Sir *John Shelley.*] In your experience do you consider that the affection of the foot is inherited by the lamb?—I have known some cases.

157. I want to know with respect to this new disease, whether there have not been instances to a great extent of lambs and of ewes affected by the disorder inheriting the disorder?—It very frequently has been observed that the lambs of ewes which have either been recently affected, or are affected to some extent at the

the time they produce their young, have speedily become diseased, even when not more than two days old.

158. Would you impose a penalty on a man for fatting a lamb that has inherited the disease, although the meat is not in any way affected?—Oh, dear no.

159. I understood you to say that you would inflict a penalty on any person offering for sale sheep affected?—Under certain regulations; the Bill which should be prepared should deal with special diseases, and there should be special clauses to meet special affections; I do not really see how it is possible to name certain diseases and make a general legislation for them, when they are found to differ so much in their nature.

160. Then I want to ask whether this disease, which shows itself in the lamb very soon after it is born, you would bring under the penalties of the Bill?—No; I think such a lamb as that would be perfectly valueless to be disposed of.

161. Before it is fatted?—Before it is fatted the animal would have recovered; the effects of the disease will, however, continue, in so far as sheep are concerned, in their feet for a very indefinite length of time, but then very much of that will depend on the manner in which they are treated.

162. You are acquainted with the system of farming in Hertfordshire, where they produce fat lambs for the early Christmas market; I would ask you whether in that case you are aware they go on fatting lambs although they have that lameness in them?—They do so; but I would take the case of some ewes producing their lambs, and their lambs becoming affected while being treated in the ordinary manner; say, if you like, that there are 20 lambs which are thus affected; I think it more than probable that 15 out of the 20 would perfectly have recovered in about a week or 10 days, while five would remain lame, and those animals which remained lame would not be at all capable of propagating the disease; they would be enabled even to get fat under circumstances of that kind, because their lameness would not depend on the disease itself, but rather on the effects of the disease; 15 out of the 20 would throw it off altogether, five would remain with some of its effects, but those effects might not be of any importance.

163. In your experience, have you not seen that the lambs, although affected, may be well to-day and re-affected to-morrow without any change of circumstances?—I have not seen cases of that kind.

164. And at any rate with regard to the driving of a lamb to market, although apparently when it left home it was well, would not the heating from the effect of driving to market be very likely to reproduce the lameness?—Yes, it would.

165. Would you in such a case as that inflict the penalty on the farmer?—Certainly not.

166. How would you discriminate between the man who knowingly sent a diseased animal to the market and a man whose animal may have recovered and fallen lame again on the road?—I have already explained as to this disease called eczema that a difficulty exists in including it in the general provisions of the Bill.

167. The foot lameness in sheep you would not include in the Bill?—No, not as simple foot lameness.

168. I suppose your view would be, that if you did include it in the Bill, it would have considerable effect on the production of meat in the London market?—Yes.

169. And therefore would be very much against the interest of the general consumer?—Just so.

170. Mr. *Colvile.*] You stated that the meat of animals which were killed, having the mouth and foot disease, was not unwholesome food; can you tell us if the milk produced from those animals would be prejudicial?—During the time that the disease prevailed to a great extent, which was shortly after its introduction in 1839, there was scarcely a dairy in London that was not affected, and I believe there is no evidence of any individual having suffered from being supplied with the milk of the cows at that particular time.

171. *Chairman.*] Would you propose to include farcy among the disorders?—I propose to include farcy, simply because of its close relationship to glanders.

172. There is no doubt as to the infectious or contagious nature of farcy?—There is no doubt as to farcy being contagious; it is not an infectious disease.

173. Lord *Naas.*] You stated there are several diseases popularly known as

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farcy, which do not come under the description of that which is professionally caled farcy?—Yes.

174. Would you state the diseases popularly known as farcy, which are not true farcy?—A disease called œdema is not farcy, but an infusion of serum into the cellular tissue of one leg; that leg becomes an enlarged leg, and will probably, remain enlarged for many months. That is commonly called farcy, though it is of a different nature.

175. Is that the disease known as button farcy?—It is the disease that is sometimes called "button farcy," which I propose to include in the Bill.

176. Sir *John Shelley.*] With regard to farcy, as there is such a nice distinction between what is farcy and what is not, do you think that a farmer who is not a veterinary surgeon should be exposed to a penalty of 20 *l.* for having turned out on a common, or anywhere else, an animal that he may believe has not farcy, or some other disease like it; how is he to know that it is diseased without having a veterinary surgeon at his elbow?—He can only know it by having a veterinary surgeon to examine the animal. The same observation would apply to other diseases. Many animals are supposed to be glandered that are not glandered at all.

177. Then, in a district where there is not a veterinary surgeon residing, what is a farmer to do?—There is scarcely any district in the country where you may not meet with a veterinary surgeon, or a man somewhat conversant with the diseases of animals.

178. But supposing there is such a district, in what position would you put the farmer, and how is he to defend himself against this penalty?—A discretionary power can be given to the magistrate. Suppose the man about to send the animal to the market, he knows he has a diseased animal, and should ascertain the nature of its affection as early as he can.

179. Supposing he believes it not to be farcy, what is he to do?—This animal is sent to the market; it is seen in a diseased state in the market, and an objection is taken to it. Then an examination is made, just as in the case of glanders. A man sends the animal into the market; he does not know it is glandered, but supposes it is merely labouring under a catarrh. The animal, however, is soon objected to, and a professional opinion is taken, and, if on the individual being summoned before a magistrate it appears that he has acted entirely in ignorance, then the magistrate would inflict a nominal fine.

180. Mr. *Miles.*] Are there any other diseases you would include except those which you have been examined upon?—It might be as well to include the disease prevailing to some extent at the present time on the Continent, although I believe there is little danger to be apprehended of such an affection showing itself here, but it may do so, and then perhaps we should be desirous of having a measure in operation which could be put at once in force.

181. Under what name is that disease recognised?—It passes under several names; it is not unfrequently designated the murrain, which is somewhat an unmeaning term; it is sometimes called in this country contagious typhus. In Germany it is known by the term "rinderpest," which simply means cattle plague. Of all the names that are proposed to be given to this disease I would rather take rinderpest. I do not believe it has sufficient relation with typhoid disease to be correctly called contagious typhus, and that there might be a thorough understanding (if I may be allowed to use such an expression) between ourselves and the Veterinary Professors of the Continent; that there should be no ambiguity, I would call it by the German name "rinderpest."

182. You have lately been abroad to investigate the nature of the disease?—I have.

183. What countries have you travelled through?—We went to Belgium first; then from Belgium to Holland; from Holland to Westphalia and Hanover; from Hanover to Hamburgh and Holstein, and then to the territory of Lubeck; afterwards to Mecklenburgh, Saxony, and Prussia; from Prussia to Silesia; from Silesia we went on to Galicia, and there found the disease. We returned by way of Cracow, came through Austria by Vienna, went into Bavaria, visiting part of Bohemia, and returned through the small German states, and by way of the Rhine.

184. You were deputed, as veterinary professor, by the three national societies to make the investigation?—I was.

185. State whether on getting to Galicia you found any disease called by this term,

term, or previous to your arriving at Galicia?—We found that rinderpest had existed in the neighbourhood of Breslau, in Prussia, at the latter period of last year; we found also that it had existed in the neighbourhood of Cracow in the former part of the present year, but we did not find any cases of the disease till we got some considerable distance into Galicia. At the foot of the Carpathian mountains, at a village called Kamienica, we met with the disease, and likewise in an adjoining village called Zabrzez, in the circle of Kroscienko; in those two places we remained and studied the nature of the infection.

186. Describe, if you please, the nature of the disease, and whether it is susceptible of medical treatment?—It is a disease which is held by the Austrian and Prussian authorities, and all others that have had an opportunity of seeing it from time to time, to be in general an incurable affection. Many animals, however, have recovered when placed under medical treatment. It is a highly infectious disease; none more so. It is as infectious among cattle as small-pox is in the human subject, or small-pox among sheep. It produces a per-centage of deaths varying from perhaps 80 to 90 per cent., when allowed to run its course. The animals rarely live more than four or five days from the time of their being observed to be unwell. It is an affection also which is incubated in the system of an animal for a period of not less than seven days, and according to some observations, it seems occasionally to be incubated as long as 21 days. I may observe, however, that this is a point that requires further investigation, because it appears to me to be an anomaly that any disease should vary so long as from seven to 21 days in its periods of incubation. Probably such cases depend on secondary exposure to the infection. When the animal sickens, the disease first shows itself by twitchings of the muscles of the body, more particularly of the muscles of the neck and shoulders, and those of the hind quarters. The twitchings are accompanied also with tremors and staring of the coat. The animal in this stage of the disease is in a condition of body that might easily be mistaken as depending on exposure to cold. It therefore appears that not unfrequently the disease in its early stages has been overlooked, and the indisposition of the animal has been attributed to wrong causes. I may give as an example that in the outbreak that took place in Zabrzez, and which depended upon the introduction of some Steppe oxen, that those animals were supposed to have taken cold, and to produce a warmth of body they were placed among a number of healthy animals. This is sufficient to show that the disease has often no striking marks of suffering at its commencement. In the course of a few hours the appetite fails, and the general surface of the body becomes of an irregular temperature, and the pulse gradually rises; there is, however, but little alteration in the breathing, and even in what may be called the second stage of the disease, there are but few indications of the animal being affected with a fatal malady. In the second stage of the disease also, a discharge of mucus comes from the nostrils, accompanied with flocculi of lymph and a similar discharge from the eyes, but the eyes look bright. In the course of the second day, when the disease is running rapidly on, diarrhœa sets in. This diarrhœa is in a short space of time succeeded by dysentery. The pulse now becomes more rapid and indistinct, the animal drags out a miserable kind of existence, loathing all food, constantly purging, occasionally coughing, and frequently moaning and grinding its teeth for three or four days, when it dies with prostration of the vital powers.

187. Is it similar to any disease known in this country?—We have no disease like it.

188. Were you sufficiently long in Galicia to see the whole phases of the disease, and to determine on its treatment?—I was sufficiently long to watch the disease from its commencement to its termination, and as there were some difficulties in the way of seeing the progress of the disease throughout, in consequence of the severity of the Government measures in force, I deemed it prudent to make the first animal that was taken with the disease, the property of the three societies that I had the honour of representing, by purchasing it, which enabled me to study the affection in that individual case from its commencement to its termination. A second case occurred on the following day, and I dealt with it in precisely the same way. Subsequently I had many opportunities of observing other cases both in the latter stages of the disease, as also in the first. I have thus had every opportunity of becoming practically acquainted with its nature.

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189. How many animals did you see afflicted with that disease?—About a dozen altogether.

190. Did any of those recover?—Not any; but we saw three animals which had recovered before our arrival, and a number of others were still in quarantine that had been exposed to the affection, but most of those animals were killed before we left Galicia.

191. Were they killed at a diminished price from what they would have sold at if sound animals?—They were; but not a greatly diminished price.

192. Did you make a *post mortem* examination of those animals?—I made a *post mortem* examination of every animal that died of the disease, and likewise of every one that had been exposed to the contagion.

193. What were the internal appearances?—The internal appearances will depend very considerably on the stage of the disease when the animal was slaughtered. I will state the *post mortem* appearance of an animal that died of the affection. The root of the tongue was found to have its follicles, minute *cul de sacs*, filled with lymph, and the back of the mouth, and velum, were in a similar condition, with here and there a commencement of ulceration. The ulcers, however, were exceedingly small, not larger than the half of a small pea. The mucous membrane at the back part of the nostrils, where the mouth and the nostrils communicate, was in a similar condition to the velum and the root of the tongue. The œsophagus was free from disease. The first stomach also free from disease, as were also the second and third stomachs. This stomach we found as a general rule, to be free from any disease of its structure, but occasionally its contents were much hardened, and so friable as easily to be rubbed to powder between the fingers. I allude to this circumstance, from the fact that it has been supposed by many Austrian authorities that the third stomach is invariably diseased, and they look upon it, consequently, to be so special a change, that in the event of the organ being found in a healthy state, they doubt whether the animal was the subject of the malady. I, however, demonstrated to those who were with me, that this stomach was not unfrequently perfectly healthy, and its contents of a normal consistence. The disease has been named *Löser dürre*, from that circumstance, which would signify a hardness of the contents of the third stomach. The abomasum, or fourth stomach, had its mucous membrane highly congested, more especially towards the pylorus; and in this situation the follicles of the stomach were filled with effused lymph, giving an appearance to the membrane of being dotted over with yellow spots. The duodenum, jejunum and ileum were similarly affected in different parts of their course. The so-called peyers glands, which are freely distributed in the small intestines, were in some places concealed from view by the effusions of lymph which covered them, in others they were tinged with blood. The chief ravages, however, in the case I am describing, were met with in the large intestines and in the cœcum and colon in particular. Towards the blind end of the cœcum ulcerations of the mucous membrane were existing; they were however neither very extensive in size nor in depth. In some places the ulcers were in a healing condition. The general surface of the mucous membrane was thickly beset with deposits of lymph, forming scabs of a dirty yellow colour. Many of these covered perfectly healthy structure, others healing surfaces, and a few ulcerative sores. The rectum was similarly, but less extensively diseased. The serous surface of the intestines was free from disease, but in places it had a bluish appearance arising from the congested state of the vessels of the mucous membrane being seen beneath it. The urinary and generative organs were free from disease. The liver was healthy in its substance, but its gall ducts were in places blocked up with depositions of lymph. The gall bladder also had an appearance precisely similar to that of the mucous membrane of the cœcum and colon. The lungs were healthy and free from congestion, but the trachea and bronchial tubes had their mucous membrane covered with thin layers of effused lymph. The heart was healthy, but more flaccid than natural and the blood in all the vessels of the body was fluid and of a blackish colour. The flesh was firm and of a good colour, and there was but little tendency for the body generally to go into a state of decomposition. The brain gave no indications of structural change but an increased quantity of fluid was found in the theca vertebralis. These were the chief lesions which existed, and they show that the focus of the disease is centred in the mucous membranes of the different organs of the body.

194. Do

194. Do you think it more contagious than pleuro pneumonia?—Yes. Great apprehension of its spreading is shown wherever it occurs in a foreign country. Immediately on the disease showing itself on a farm, a military *cordon* is drawn round the farm, no straw is allowed to be carried off, and no person is allowed to come on to it, or a labourer, or any other individual to come from it, except the members of the Commission.

195. You have no doubt that that disease, unknown to us, should, with an unlimited importation of cattle, be placed in the list of those against which sanitary measures are taken?—Yes.

196. *Chairman.*] Then you consider this disorder as one which, for want of precautionary and sanitary regulations in this country, if it were to find its way here, would be extremely prejudicial to the cattle interest and the consumer?—None more so.

197. Lord *Naas.*] Have you read an account of the great cattle disease that visited this country in the middle of the last century; in 1748?—I have.

198. Do you consider that this murrain, which you found in Germany, was the same, or a different disease?—I believe it to be the same disease. I have looked most closely to all the authors who wrote at the period to which your Lordship has referred, and though their statements are somewhat ambiguous, and one might from isolated passages be inclined to doubt the connection, still I believe that the disease described by them is identical with the one which exists at the present time in Poland.

199. I believe the statement made in Mr. Youatt's book on cattle is, that that disease was brought to this country by two calves?—Such a statement has been made.

200. And are you of opinion the same thing might happen again if proper precautions were not taken?—Yes, in the event of the disease reaching Prussia and subsequently Holstein, or any other place from which we receive our supplies.

201. Is the district at present so far removed that it is impossible any cattle could find their way here?—It would be impossible for any diseased cattle to find their way here.

202. Suppose it reached those countries bordering on the great rivers that flow into the German Ocean?—There would then be a greater risk of the disease arriving here; but such would be the regulations, and such the system pursued with regard to *cordons*, that I hardly think we should be in much danger.

203. Did you enquire, when in those countries, what is the most distant point from which cattle are exported to England?—There are no cattle that are directly exported to England, excepting from the countries that border on the North Sea or German Ocean; no cattle are brought down any of the rivers for *direct* exportation. Cattle and sheep may find their way down the Elbe, and likewise down the Weser, and even the Rhine; these animals are however not sent direct to England, but on the contrary they are sent to Holstein, Holland and adjacent countries to be fed, and subsequently to be sent sent to England or elsewhere. Persons go to Saxony and Prussia and purchase animals, but then they do so for feeding, and not for exporting.

204. No animals find their way direct from the Baltic ports?—No; nor from Kiel. They come chiefly from Toningen and from Hamburgh.

205. Have you any from the western coast of Denmark, north of Toningen?—From Toningen.

206. Sir *John Shelley.*] Is there any exportation of hides from that country?—No; Holland is a country which imports hides from Buenos Ayres and Java. There are no skins which are sent into this country from thence or from the Continent in general but what have undergone, more or less, preparation; even from Russia, where we have most to apprehend, no raw hides are imported. The skins from Russia are sent here in the form of leather, and many of them which might find their way to England by first being put into the port of Lubeck, are found to be so heavy from the quantity of salt and moisture they contain, that they are dried in Lubeck, and go from thence into Switzerland as dried hides. I do not think we need fear disease from the introduction of skins.

207. With regard to animals in that country, are they subject to this disease for any length of time?—The disease is so fatal that it is not unfrequently allowed to run its course, that is to say, if the animals are not killed as soon as observed to be ill. They do not think of treating the animals. They die

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generally on the third day, and at the rate of from 80 to 90 per cent., and even more than that. I only saw three that had recovered.

208. The experience which the farmers gain from this disease would induce them to kill the animal the moment it was attacked?—The farmer is not allowed to deal with these animals. In the event of the disease breaking out on the premises, he is to report it immediately. He is subjected to a heavy penalty if he does not. The cattle are then taken possession of by the government, healthy and diseased. The diseased are killed, and the healthy are kept for a certain time, and if any fresh cases occur they also are slaughtered, and a jury is empannelled, and compensation is given. If the farmer conceals the disease, the government takes possession in the same way, but makes no remuneration.

209. Lord *Naas*.] Are they paid out of local funds or government funds?—In some districts by the government; in Mecklenburgh by some local funds.

210. Sir *John Shelley*.] Can you say that any of those that have been slaughtered have been eaten by human beings?—All the animals in most continental states are buried on their being killed, with their skins on, which skins are cut through from the head to the tail, so as to prevent the animal being disinterred and the skins taken away; but in Austria, the owner is allowed to receive the skin, but then it is purified on the farm, and under the immediate superintendence of the commission that is appointed.

211. Then the result of the information you have obtained there is, that we have very little to dread from the prospect of this disease being brought here?—Very little, indeed.

212. Mr. *Caird*.] You stated that at Cracow and Breslau you heard of the disease. Did you hear of any number of cattle that had died?—The proportion of deaths to the number affected was considerable. A return, which I have here, was given me by Count Clam Martinitz, the governor of the province at Cracow. It shows that between the 1st and 15th of April there were attacked 576 animals, of whom 23 recovered, 361 died, and 169 were killed.

213. Where was that?—In the district of Cracow. This return gives the names of the villages, the date of the outbreak, the numbers of the cattle kept in the villages, and the number of infected farms.

214. Did you hear that the disease had subsequently disappeared in that quarter?—The disease has disappeared in Cracow, and it has likewise disappeared in all the surrounding districts, and there is none of the disease nearer to us than about 150 miles on the other side of Cracow, in Galicia.

215. Do you know for how long a period the disease continued to prevail in the neighbourhood of Cracow?—The present outbreak has been of shorter duration on the whole, and far less extensive, than previous outbreaks. It was suspected that there were some cases in the neighbourhood of Breslau two years ago, but there seems to be a doubt about it.

216. Then it has not continued for a long period?—No.

217. Perhaps not more than a couple of months?—It has continued on the whole for eight or nine months.

218. In one locality?—No. In every locality in succession in which the disease has shown itself it has been extirpated by the summary measures taken by the government.

219. In a short time?—In a few months.

220. You do not happen to have a return of the number of cattle affected by the disease as compared with the total number of cattle in the district?—Yes; this return will show it. The total number of cattle kept in these several villages was 14,574, out of which there were attacked 576, leaving about 14,000 free from the disease; and those 14,000 were left free from the disease in consequence of the summary measures taken by the government.

221. Do you know whether the cattle attacked by disease were of a particular age, young cattle or old cattle?—Cattle of all ages seemed to be equally susceptible of the disease, and likewise cattle in all kinds of condition.

222. There was no difference in point of condition or of age?—No. So susceptible are animals to the disease, when exposed to the influence of its contagion, that it is almost certain to declare itself in seven or eight days afterwards.

223. Do you think the disease is peculiar to the circumstance of the character of the country or climate?—The disease in Austria, in Prussia, in Poland, and other contiguous countries, is invariably connected with the passage of the cattle from the Steppes of Russia into them. It is not dependent on any local cause.

224. How

224. How many hundred miles from this country was it that you first met with an instance of the disease?—Taking a direct line across the country, I presume that Cracow would be found to be from London from 1,100 to 1,200 miles. We had to go about 150 miles beyond Cracow before we reached the infected places.

225. That is, about 1,400 miles?—From 1,300 to 1,400 miles.

226. And on your subsequent return you heard of no other instance of the existence of the disease nearer to England than that point?—I am prepared to say, that the whole of the Continent of Europe on this side of a line I would draw from Memel on the Baltic, extending downwards on the Russian and Prussian frontier to Poland, and then separating Austria proper from Poland, and thence onwards to Vienna, and from Vienna to Trieste, that everything west of such line is free from disease.

227. And all the countries on the other side were strict in measures of prevention?—They have the most stringent measures in operation that it is possible to imagine.

228. Then you think it very improbable that it will come here?—I think it next to an impossibility for the disease to come here.

229. *Chairman.*] In those countries west of the line you have named, did you find cases of pleuro-pneumonia, or any other contagious or infectious disease?—Pleuro-pneumonia prevails to a very considerable extent in some parts of Holland, and also in Holstein, and likewise in Mecklenburgh. In Saxony there is less of it. There is not much pleuro-pneumonia in Prussia or Austria; and I think in Hungary none at all.

230. It is prevalent in some of those countries from which cattle are imported into England?—It is prevalent in all those countries, with the exception, perhaps, of Spain, which I cannot speak of; but it is prevalent, more or less, in all the other countries from which we receive cattle.

231. Mr. *Caird.*] Is it more prevalent in those countries than here?—Yes, it is just now.

232. Generally speaking, do you think it is?—Generally speaking, I think it is.

233. Mr. *Colvile.*] And have measures been taken in those countries to prevent the spread of pleuro-pneumonia?—The precautionary measures are taken that I have mentioned as to rinderpest.

234. But they have not had the effect of checking it?—They have had the effect of checking it in some parts of Holstein; and its re-introduction is attributed to some animals that were purchased in the interior of Prussia coming up the Elbe, and being depastured on some of the islands of the river near to Hamburgh. It was thought that, but for this circumstance, the adoption of those stringent measures had freed Holstein from disease.

235. *Chairman.*] It was from the failure of carrying out the sanitary regulations that the disease was re-introduced?—That was the statement, as I received it.

236. Mr. *Miles.*] Are there any other recommendations that you would wish to give to the Committee other than what we have elicited?—There is no other disease that it is necessary to legislate on. I think, however, that there are some practical defects in the Bill which I have referred to; but these would be more matters of detail than of general principle.

Captain *Archibald Campbell*, of Glendarel, called in; and Examined.

237. *Chairman.*] THE point on which you are prepared to give information to the Committee, I believe, is with reference to diseases in sheep depastured on hills?—Yes; hill stocks, as we call them in Scotland.

238. Have you read the Bill?—I have.

239. Are you a large owner of sheep?—I am a proprietor of sheep, and a farmer in Argyleshire.

240. What is your opinion as to the effect that the provisions of the Bill would have on your position as a sheepowner?—I think with regard to the disease called scab, from which our hill stock principally suffer in the high and cold lands, it would be rather a hardship if farmers were subject to a penalty generally for having the disease in their stocks, inasmuch as it is very much produced

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produced by local causes, from the herbage being scantier and the climate wetter; but it is also caused in many cases by reckless want of precautions on the part of farmers, and I think that some salutary check may be put on that by such a measure as you are likely to introduce.

241. Do you think there are cases where it might bear hardly on sheep farmers?—Yes, I think so; if they were to be subject to the penalty for having such a disease as scab in their stock on what is termed in your Bill open places or moor lands.

242. Could you suggest any precautionary measure, from your knowledge of the subject, that would meet with the difficulty of not bearing hard on the farmer, and also check the disorder arising from negligence on their part?—It strikes me that some clause might be introduced that in those localities where farmers recklessly depasture stock, or neglect the proper precautions to get rid of the disease, they should be punished before the authorities of the country in the same way that you propose to punish farmers in this; but it would be hard that all should be included.

243. You think it is a case for which legislation is required?—I think so; and we feel it very much in the district in which I live, where farmers do get these diseases and neglect the proper precautions to get rid of them, and thereby spread them.

244. You feel the incovenience arising from the want of legislation on the subject?—I do.

245. Lord *Naas.*] You say you think there should be legislation which would subject a farmer to a penalty for not taking the proper precautions against scab?—That is what I say.

246. How would you propose to put that into force?—I should say that if a farmer could be proved to have brought a change of stock, and all farmers in the line that I speak of occasionally bring in fresh blood in the shape of young ewes, to change their stock without taking proper precautions; they sometimes bring in these strange sheep with disease. I think that a man who does that recklessly, and does not take the proper precaution to get rid of the disease, should be punished.

247. What are the modes of getting rid of the disease?—Dressing them and removing them from the rest of the stock; dressing them as soon as they are in the least degree affected.

248. Would you propose to punish a man who did not dress his sheep periodically?—I would not say periodically; I would say, who did not dress his sheep, knowing them to be affected to some extent.

249. Is it the practice of farmers, and especially proprietors, to buy diseased sheep; sheep known to be scabbed?—It is not the practice to do so, but they sometimes get sheep without knowing they are scabbed, and perhaps it does not show itself for a time.

250. Would not every farmer, if he buys scabbed sheep, immediately take precautions for the dressing and curing of them; would not his own interest prompt him to do so?—It might; I have seen instances in which it has not been done.

251. Are those instances frequent?—No, not frequent.

252. Sir *Thomas Burke.*] Are the farmers in your country in the habit of keeping a shepherd who looks after his flocks?—Yes.

253. Suppose, on going to inspect your hill sheep, you found them all scabbed, would you keep that man as your herd?—Certainly not.

254. Mr. *Caird.*] You said disease was caused by insufficient food?—By bad seasons, making the herbage scanty.

255. Would you compel the farmer to drain his pastures, so as to keep them dry?—I could hardly do that.

256. *Chairman.*] What is the character of the neglect on the part of the farmer, to which you attribute the spread of this disease?—One is what I have said, having introduced diseased sheep into the stock, not taking proper steps to dress them, and by taking no precautions; allowing it to spread from negligence. There is another, which I think is very palpable; farmers, in times when certain dressings are dear, have recourse to other dressings, which they think efficacious; they will persevere in them, because they think them cheaper and more economical.

257. Lord

257. Lord *Naas.*] How would you cure that by legislation?—I merely mention this as a fact. Capt. *A. Campbell.*

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258. Mr. *Miles.*] The system of sheep farming has altered much within the last 25 or 30 years?—Considerably.

259. Formerly one farmer would hold a vast district, and now the cotters have the power of turning out a number of sheep?—I think that is being done away with in my district.

260. But it is done in some parts of Scotland, in Inverness-shire?—In Inverness-shire I am told it is so, but I am not acquainted with that part of the country.

261. How many proprietors turn out sheep besides you?—No sheep go on my hills but my own.

262. Then, immediately in your district, there are no small proprietors, so that the flocks would become mixed?—They are not mixed; they keep to their own grounds; they never go from one man's land to another if we can help it.

263. Mr. *Caird.*] It is not uncommon for the shepherd to have an annual payment allowed him to keep a certain portion of the sheep?—It is not uncommon, but I never did it.

264. You never knew an instance of shepherd's sheep being diseased, and the master's free from disease; the shepherd's sheep are generally the best of the flock?—I never saw the shepherd's sheep the last to be drawn when going to the market.

Mr. *John Marriage,* called in; and Examined.

265. *Chairman.*] BE so good as to state what are your avocations that have led you to a knowledge of the subject which the Committee are investigating?—I have kept grazing stock, both beasts and cows; I am more particularly acquainted with keeping milking cows. Mr. *J. Marriage.*

266. You have a large number of milking cows?—I keep about 170 head altogether.

267. In the neighbourhood of London?—At Chelmsford.

268. Have you for some years been in the habit of keeping these beasts?—Yes, for 20 years.

269. Have you had much experience of these various disorders among them?—Of the pleuro-pneumonia I have had sad experience at different times.

270. What is your opinion as to the manner in which it has been introduced among your cattle?—I can hardly arrive at a conclusion; it is so eccentric in its movements that it baffles most of us

271. You have not been able to arrive at a conclusion whether it is introduced by contagion or infection, or from any ascertainable cause?—We do not seem to purchase on to our farms; it seems to break out any way.

272. Have you been in the habit of adopting any precautions against it?—So far as cleanliness and lime-washing, and so on, goes.

273. When it appears among the cattle, do you separate those affected with it from the others?—I take them away immediately.

274. You think that is a necessary precaution?—I think it well to do so.

275. You think that if you were to allow the infected cattle to remain with the others, it would lead to the spread of the disorder?—It is dangerous, and I adopt that as a precaution; I am every week, perhaps, purchasing cattle, but I never think I bring it on through that means.

276. You have never been able to trace it?—No.

277. Mr. *Gurdon.*] You do not think it infectious or contagious?—I think it is scarcely so.

278. You think it is an epidemic?—I am inclined to think it is.

279. Sir *John Shelley.*] When an animal in your dairy falls ill, what do you do with it: do you attempt to cure it, or do you get rid of it?—Generally get rid of it.

280. In what way do you send it to the market?—To Copenhagen Market; the sooner the better.

281. Should you like to be prohibited under a heavy penalty getting rid of the animal?—If there was such a prohibition I must give up my business as regards keeping cattle in the way I do.

 282. What

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282. What is the largest number of cattle you have had infected at one time?—Sometimes five or six in the week. I looked at my beast account the other evening; and I have had to get rid of 55 head of cattle since last Michaelmas.

283. *Chairman.*] Out of those, what proportion have died, and what proportion have you had to get rid of?—Seven or eight died

284. The rest you got rid of?—Yes.

285. By sending them to Copenhagen Fields?—Yes.

286. Sir *John Shelley.*] Did they die suddenly?—Those that died were cattle in low condition, so that I run the risk of keeping them a while. They might live a week or a fortnight.

287. In milk, were they?—Mostly in milk.

288. When you send them to Copenhagen Fields, are they sent there as cattle under ordinary circumstances, or do they go there as diseased cattle?—As cattle under ordinary circumstances.

289. There is no difference made between cattle sent under those circumstances and cattle sent under any other circumstances?—None at all, that I am aware of.

290. Sir *John Shelley.*] Looking at the peculiar trade of a dairyman, as far as you are from London, about 30 miles, but in the neighbourhood of London generally, and with the difficulties which exist of accommodation in respect to putting by any large quantity of diseased stock, provided there was a heavy penalty on a man for having a diseased animal in his possession, do you consider the trade of a cow owner in the neighbourhood of crowded districts could be carried on?—I think it could not, and I think it would equally affect those who graze fat cattle. The grazier feels an objection to internal prohibitory measures.

291. Do you think it would be safe for any man who does not breed his own animals, but buys them at fairs, to graze them, to go into a public fair and buy stock if he was to be subjected to a heavy penalty supposing the animal falls ill with a certain disease on his farm?—I think it would not be safe, and I think it would be a great detriment to trade.

292. Do you think that the business of a grazier would be affected, if not stopped entirely, by such heavy penalties?—I think it would.

293. *Chairman.*] When these cattle are sent to market, does the butcher who buys them take any exception to them in any case, or are they always sold as sound cattle; is there any difference made in the price?—It often happens that they are rather lean in condition.

294. Are they never sold under the circumstance of its being known that they are affected by this disorder?—I have no doubt that they are known in many cases to be affected.

295. Then, in short, it is the business of the cattle owner to get the best price he can, and for the buyer to find out that the cattle are affected?—Yes.

296. Sir *Thomas Burke.*] You send them to a salesman?—Yes.

297. He is aware that it is a distempered beast?—Yes.

298. Sir *John Shelley.*] With regard to the cattle you hold especially, namely, the dairy cow, I apprehend that animal sent to Copenhagen Fields is not sold to the butcher if in full milk: generally they are not in a sufficiently fat condition to be bought by the butcher?—Yes, many of them, perhaps one-third of the cattle I send away are quite fit to kill; sometimes I have made 20 *l.* when they have been down with the complaint.

299. Lord *Naas.*] Do you know what state the meat of the beast is in, in the early stage of pleuro-pneumonia; is it much inferior, or at all inferior, to a beast in a healthy state?—I think not; I have had many slaughtered that have been in full condition; I have been afraid to send them away, and the only sign on the carcass was where the lung touched the inside rib; it does not appear to affect the colour of the blood or the flesh.

300. You have probably eaten that meat yourself?—Yes, no doubt. Many good cattle when killed are found to have the lung complaint on them.

301. Then with the exception of this taint on the ribs, where the lung adheres to the rib, the meat is in other respects perfectly good?—I think so, excepting where it is ulcerated in different parts of the body, in a bad case.

302. That is, provided the animal is killed in the early stages of the disease?—Yes.

303. Of course, you do not mean to say that when an animal is suffering from fever,

fever, or under the influence of inflammation, for some days, that the meat is then as good?—No.

304. But if the animal is slaughtered in the early stage of pleuro-pneumonia, before fever sets in, the meat is perfectly fit for human food?—I think it is.

305. Mr. *Caird.*] Have you observed that when an animal has been attacked and removed from a stall, and you have put another animal into the same stall, that the new animal takes the disease?—I am rather fearful of putting one into that particular stall for a fortnight perhaps; I send a man to limewash the stall; but the food mixes from one beast to another, so we cannot adopt precautions enough. I have had one farm that has had a considerable amount of disease. I have a neighbour who serves the neighbourhood with milk, whose cows are continually travelling up the road that my diseased beasts go along to the train. He has never had a case, although my cattle, perhaps, breathe over his gates. He is not likely to have his beasts so well littered and clean, being a miller and not a farmer, but yet he has never had a case.

306. Sir *John Shelley.*] As to what you say with reference to the quality of this meat of animals not far advanced in the stage of this disorder, what would be the effect, looking at it as a consumer's question, supposing a heavy penalty were imposed on any one sending an animal to be slaughtered in the early stages of the disorder; would it not have the effect of reducing the amount of supply, and consequently raising the price to the consumer?—I think it would eventually, but it would be very hard on the grazier.

307. And if this meat is not bad for human food, and would not have a bad effect on the consumers, do you not think that hundreds of consumers of food would be affected if such animals could not be sent to market in consequence of a heavy penalty?—I think so.

308. *Chairman.*] Among the various cases where you have been compelled to send animals suffering from disease, some of them must have been in different stages of the disorder, some more advanced than others?—Yes.

309. But in the cases where the disorder has been more strongly developed, have there not been objections by the salesmen to the cattle, and a consequent diminution of price?—I have not had objections where animals were sent up alive. I once had an objection where I sent up a dead animal.

310. Do they give the same price for live cattle under the influence of this disorder that they do for sound cattle?—I should think not.

311. Do you get the same price for sound cattle and diseased cattle, or a diminished price for diseased cattle?—I have no doubt I get a diminished price if it is observed; there are many cattle that we send away that a butcher would not know there was anything amiss with.

312. But in cases where you have known the disease to exist before you sent them to market, have you not received a smaller price than you did for sound cattle?—I should suppose I did receive a smaller price.

313. The value of the animal is diminished in price if it is bought as unsound instead of being bought as sound?—Yes.

314. Sir *John Shelley.*] That is, supposing the butcher found it out?—Exactly.

315. Sir *Thomas Burke.*] An animal that has been for a number of days labouring under this disease will show symptoms of it?—No doubt.

316. Then if you kept it for a week before sending it to market, you would get a smaller price?—Yes.

317. Mr. *Gurdon.*] But from the fact of your sending up a half-fed animal the salesman would conclude there was something amiss?—You will find there are a large number of half-fed animals sent regularly to market.

318. Mr. *Miles.*] Have you insured your cattle?—No.

319. Have you ever thought whether it would answer for you to insure your cattle?—Several of my neighbours have insured, but I believe that none of them have got on well in the matter; we are buying, daily, stock, and therefore we could scarcely carry it out.

320. You have told us the number of animals that were diseased during a certain time; can you tell us what proportion those diseased animals bear to your whole stock?—I think I have known nearly a third that have been eventually attacked by it before I parted with them.

321. You have told us that you have been a grazier as well as a cow-keeper; what declension of profit do you think there is between a sound animal sent into the

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the market and one of those animals affected only slightly by pleuro-pneumonia?—£. 2 or 3 *l.* a head.

322. Although you know it is affected by pleuro-pneumonia, yet at the same time you know that it is not unfit for meat, in the early stage, and therefore do you think that any clause in an Act of Parliament which would subject you to a penalty of 20 *l.* would be a great grievance?—A very great grievance, not only on me as a cow-keeper, but on the farmers, who buy a lot of beasts to fatten.

323. Sir *John Shelley.*] And also, I understood you to say, that the consumer of meat would suffer by the increase of price in consequence of reducing the supply?—Yes.

Mr. *Joseph Kilbee,* called in; and Examined.

Mr. *J. Kilbee.*

324. Lord *Naas.*] ARE you a salesmaster in Liverpool?—Yes.

325. Are you also a large holder of land?—Yes.

326. Where?—In Kildare, Wicklow, and Meath.

327. You are well conversant both with the production of fat meat for markets, and the sale of it?—Yes; I have had considerable experience.

328. What number of cattle do you generally hold yourself on your farm?—About 600 or 700.

329. What number of cattle do you generally sell in Liverpool on a rough guess?—Probably 150 a week.

330. Several thousands a year?—Yes.

331. Have you read the Bill now before the Committee?—I have.

332. State to the Committee generally what you think the effect of the provisions of that Bill would be, provided they were carried into law?—I think they would be ruination to the grazing interest.

333. *Chairman.*] State more in detail why you consider it would be so extremely ruinous to the grazing interest?—What are we to do with those cattle that are ill, if we are obliged, according to the Bill, to bury them when they get ill.

334. What you consider would be so injurious to the grazing interest is that the cattle owner should not be allowed to send diseased cattle to the market?—And if he kept them at home he would create the disease more than if he sent them to the market.

335. Lord *Naas.*] What is the result of your experience of animals with pleuro-pneumonia coming to the Liverpool market?—They are all slaughtered immediately.

336. Do you know instances of persons buying animals in Liverpool called suspicious animals in order to keep them?—Never for store.

337. Are animals that are suffering under pleuro-pneumonia well known to purchasers in the market?—Invariably, unless in the very early stage and in very superior condition, but invariably when in thin condition.

338. Then a beast under such circumstances may be sold as sound?—It may deceive both parties.

339. But it would be invariably slaughtered?—They are all invariably slaughtered.

340. *Chairman.*] Then I understand you that in most cases where animals affected with this disorder are sold in the market of Liverpool it is known, both to the seller and the buyer, that they are labouring under the disorder?—I do not think there is an exception of one in a thousand.

341. And they are sold at a less price than if sound?—They are not in the same condition generally; they are in an inferior condition, and any beast in an inferior condition coming into a fat market will be sold at a very low price indeed.

342. Then am I to understand that the value of an animal slightly labouring under this disorder will not be affected?—Very slightly, to the sort of butcher that would buy him.

343. Would not the bettermost kind of butchers buy him?—No; the good butcher buys the best article he can lay his hand on.

344. They are sold to an inferior class of tradesmen at an inferior price, and disposed of at an inferior price afterwards?—Yes.

345. In short, it is a regular system of disposing of diseased meat at a low price for the convenience of all parties concerned?—For instance, take two store beasts,

beasts, one that has not been ill and another that is ill, bring them both into the market, the butcher will make very little difference, perhaps not 10 *s.* in the two beasts, because neither of them are what we call prime food; that is, they are not profitable to kill.

346. They are not considered so good meat as the fat animals?—No; I want to draw a comparison between the lean and the fat.

347. Sir *John Shelley.*] You say that if a fat animal comes into the market not affected, and another fat animal comes into the market affected by the disease, that the difference of price would be trifling?—There would be very little deterioration.

348. Then if a lean animal comes into a fat market, whether affected or not, he necessarily would be sold, sound or unsound, for a low price?—Yes.

349. You said, with regard to the grazier, that it would be very detrimental to the grazier's interest and ruinous to him if a penalty were inflicted on him for sending an animal into the market affected in this way; what would be the effect on the consumers generally if all this meat were kept away from the market?—I do not clearly understand how it could affect the consumers.

350. Supposing a man were under a heavy penalty for sending an animal to the market which he knew was affected by the disease, would not the keeping away of the animal from the market affect the price by shortening the supply?—I do not know that it would, because if the animal had not got ill it would come fat some time in the market, and there are a certain proportion fed.

351. That is not my question. Supposing there was a heavy penalty attached for sending a diseased animal into the market, he must then keep that animal at home?—Yes.

352. Then what would be the effect on the consumers from such a quantity of meat being kept out of the market?—Very small indeed, because probably it would not amount to one in 1,000. The average of the Liverpool market is 2,000 or 2,500 a week. There would perhaps be 20 beasts affected. That proportion, more or less, can affect the market but very slightly.

353. That particular market; still to that extent the 20 or 30 beasts must have an effect?—If they could not get the supply to equal the demand.

354. *Chairman.*] If the proportion of diseased beasts is one in 1,000, can you explain how the effect of preventing those diseased beasts coming into the market would be so ruinous to the graziers?—Well, probably one in 1,000 is an extreme proportion. I go into my own proportion. I feed about 600; I lose about 40 a year. There are some people that have lost considerably more.

355. Sir *John Shelley.*] But if, on the one hand, the effect of preventing these animals being sent to market would be ruinous to the grazier, on the other hand, must it not affect the supply of meat in the market?—I do not think it would.

356. Is it on the one side so material and not on the other?—Yes. Of the dead meat they are a very small proportion, but as a loss to the grazier it is considerable. There might not be the loss of more than 4 *l.* on an animal killed that would be worth 12 *l.* or 14 *l.* to the grazier.

357. Lord *Naas.*] You say that the total loss on one of these sick beasts would take the profit off of five, six, or seven healthy ones?—Yes, that is the proportion. The loss would be considerably greater to the grazier than in the supply to the market.

358. So that if you are obliged to kill or bury every sick beast you have, it might take off the profit of the whole year's grazing?—It would take off 400 *l.* or 500 *l.* a year.

359. The district of your farm has been peculiarly afflicted with pleuro-pneumonia?—I have seen a good deal of it.

360. In fact, there has been more pleuro-pneumonia in your district than there has been in most districts in Ireland?—Indeed, I think so.

361. And your loss has been greater?—I have had experience every year of it.

362. With regard to the state of this meat, you are well acquainted, I suppose, with a number of Liverpool butchers?—I am.

363. Have you seen the meat after it has been killed that has been diseased to a certain extent with pleuro-pneumonia?—I have, frequently.

364. Could you see any difference in that meat?—None whatever.

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365. Is the meat, from what you call the diseased beasts, and generally sold in the Liverpool market, perfectly fit for human food?—All that I have seen; but there are meat inspectors appointed in such towns as Liverpool by the corporation, and any meat that is not fit for human food they take the moment it is dressed.

366. So that if a beast was in such an infected state with pleuro-pneumonia as not to be fit for food, it would not enter into consumption?—No; it would be taken by the inspector, and there is a heavy penalty for taking it from the market without the inspector seeing it.

367. Are those precautions rigidly enforced?—In Liverpool particularly so.

368. So that, in fact, no diseased meat can, according to the state of things in Liverpool, ever become exposed for sale?—No.

369. It is impossible that they can elude the vigilance of the inspector?—Of course they might smuggle, but it is to a small extent.

370. Have you seen that meat exposed for sale?—Not unfit for human food.

371. *Chairman.*] Do you draw the distinction between bad meat and meat unfit for human food?—Yes.

372. Then there is bad meat, not unfit for human food?—Yes; old bulls that may not be fat; it looks very wretchedly when hung up, but it is not unfit for food.

373. You do not apply that term, "bad meat," to diseased meat?—I think that sort of meat looks probably worse than many diseased meats; there is no meat that is shown to be unfit for human food, but what is taken by the inspector.

374. But you say that the diseased meat is bought by an inferior class of tradesmen?—If you buy a sirloin of beef you give an increased price for one that would be a little fatter.

375. The butcher buys it with the knowledge that it is diseased?—Yes.

376. And buys it at a lower price, and sells it at a lower price?—At a less value, decidedly.

377. Lord *Naas.*] Is it the case that the beef of a heifer or a bullock suffering under the early stage of pleuro-pneumonia may be sold as prime meat?—Yes.

378. Do you think that infected cattle are ever bought in a market by a grazier to feed for food?—Never; I think it is impossible.

379. Then you conclude that the exposure of infected cattle in a fat market cannot disseminate the disease?—On the contrary, I think it would be the means of getting rid of it; I think the keeping of it at home would be more the cause of engendering it.

380. Sir *Thomas Burke.*] You are in the habit of attending fairs and markets?—Yes.

381. In the west of Ireland?—I do.

382. Do you think that the farmers of that district, especially about Ballinasloe, would be likely to tell you whether their cattle were distempered or not?—I think not.

383. Do you think it would be possible to carry on your business, with that penalty of 20 *l.*?—I think it would be ruination to it.

384. Do you think it would be impossible?—Quite impossible.

385. *Chairman.*] Then you think that unless there is unlimited power of selling the meat in all stages of disease, the business of a grazier would be so interfered with as to preclude the possibility of carrying it on?—I think the effect of any attempt to legislate for the disease now existing will be ruinous instead of beneficial.

386. You think the power must remain with the grazier to sell the meat when he can?—Yes, I buy all; I do not grow.

387. Sir *John Shelley.*] Does your experience lead you to think that the fact of this meat being sold at the market has such a deleterious effect on the consumers as to make it worth while for Parliament to interfere in a way that you think would be so detrimental to the consumer?—It does not.

388. Lord *Naas.*] Do you think that this Bill would stop pleuro-pneumonia in the country?—On the contrary, I think it would rather increase it.

389. How do you think it would increase it?—By engendering the disease; keeping it at home in the hope that some would recover.

390. If this Bill passed, instead of sending a beast to market and having it slaughtered

slaughtered at once, you would have to keep it at home and endeavour to cure it?—Yes, which would be a likely way of increasing the disease. Mr. *J. Kilbee.* 16 June 1857.

391. *Chairman.*] Is the disorder considered as curable?—There is a difference of opinion about it; I have known them to become perfectly sound without any treatment.

392. What is the usual result in the majority of cases?—The most approved result is to get rid of them.

393. But the general result is that they are not curable?—Except when they are very lean nobody has attempted to cure them; as they are then worth nothing more than their hides.

394. The opinion being that in the majority of cases the cure is hopeless, would the graziers go on in defiance of their experience?—They would try to cure them if they were not allowed to sell them; I would do so myself; now I never think of curing, or attempting to cure, a beast.

395. At the risk of spreading the disease you would attempt the almost hopeless task of curing them?—Certainly.

396. Mr. *Caird.*] If the inspector certified that you had 25 head of cattle diseased, but that the stock was free from disease, would that certificate of the inspector have much weight in the cattle market?—None whatever.

397. Would it not rather throw suspicion on the rest of the stock?—I do not think it would affect him so much in the fat market as the store market.

398. Is it the store market that I referred to?—Decidedly.

Mr. *Thomas Cullen*, called in; and Examined.

399. Lord *Naas.*] ARE you a salesman in Liverpool?—I am a cattle salesman. Mr. *Thomas Cullen.*

400. Do you hold land in Ireland besides?—Yes.

401. What quantity of land?—I suppose we have 1,200 acres in the county of Meath.

402. How many head of cattle generally pass through your hands in the course of a year, on a rough calculation?—30,000, between buying and selling. We attend all the great fairs in Ireland.

403. How many head of cattle do you keep on the 1,200 acres?—Generally about 800 in a year.

404. Have you read the Bill now before the Committee?—Yes; I read the clauses of it carefully.

405. Do you think if that Bill passes into a law, it will materially affect your trade?—I think it would be very injurious. It would affect us in a twofold way. In the first place, we receive a great number of cattle on consignment, sick. We are obliged to sell them. If the inspector were to come and seize those, we should not get paid for them; and will interfere with us as graziers by preventing the removal of sick cattle, and of course spreading the disease.

406. Are those cattle afflicted generally with pleuro-pneumonia?—Yes.

407. That is in the early stage of the disease?—Yes.

408. Do you find a ready sale for them?—Yes.

409. Are they generally slaughtered?—They are always slaughtered immediately after they are sold.

410. Have you known cattle suffering under this disease go from the Liverpool market to different parts to be kept as store cattle?—We supply a great district of Lancashire and Yorkshire from the Liverpool market, but the cattle are all sold for slaughter.

411. Are sick cattle recognised by the buyers in the Liverpool market?—They are sold as sick, and on different days of the week.

412. You do not conceal from the buyer that they are sick?—Never.

413. They are sold as sick beasts, and at a slight deterioration of value?—Why, at this season of the year the sick cattle are what we have bought at the May fairs. They are lean; and, in consequence of walking from the fairs, they come to market in a low state; but they are not sold for less than cattle in the same lean condition known to be sound would sell for.

414. By whom is that meat generally consumed?—By a poor class of people and owners of coasting smacks.

415. Who would buy always thin meat?—Yes, and at the lowest price.

416. It is sold to persons who would always buy a thin meat?—Yes.

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417. Do you think this meat is much deteriorated by the animal having the disease?—I have consulted with some of the most respectable butchers, and they are of opinion that it is not, that the bleeding of the animal takes away the disease; I have seen some of the best butchers in Liverpool, four weeks ago, buy oxen that belonged to Sir David Roche, of Limerick, at 24 *l.* a head, and went to look at the meat afterwards with Sir David's steward; he said, "Nobody could tell the difference; it was as good meat as was ever sold, and had as much internal fat about it." Sir David's steward also told me he sold several sick oxen at from 16 *l.* to 20 *l.* each this spring.

418. Suppose you took a quarter of beef from an ox suffering from pleuro-pneumonia in the early stage, and a quarter of healthy beef, do you think you could detect the difference?—No, nor the experience of the most intelligent butcher in Liverpool could not discover which was the diseased animal.

419. The effect of the disease is confined in the early stages to the rib to which the lung attaches itself?—It is not in a very early stage that it stains the ribs, but the lung afterwards becomes fixed to the rib, and then it stains a portion of the rib at one side; that is always detected; it gives a little stain to the meat outside, a little yellow; but the most experienced could not distinguish the rest of the carcase from the soundest beast killed.

420. And in many cases in the early stage you cannot detect it under the rib?—In very many.

421. Are the precautions in the Liverpool market against the sale of meat unfit for human food rigidly carried out?—Very rigidly carried out; there are two active inspectors of slaughter-houses, which are always within the boundaries of the corporation, and for which a licence must be had of the corporation, and the inspectors have power to enter day and night into the slaughter-houses, and can do so at the public market; they can seize the meat. They were formerly bound to empannel a jury so see if the meat was fit or unfit for food; but now the inspector can summon the party before a magistrate, and his own evidence is received without reference to any third party, when the meat is condemned and a fine imposed.

422. Would it be possible for a butcher to buy a beast suffering from ulceration and to dispose of the meat in a public market?—They do it occasionally, but they generally salt it. I learn all these statements from the butchers themselves. When it is in that state their custom is to cut it into small pieces, to salt it, and to sell it to poor people.

423. That would be a direct infringement of the present law?—Yes.

424. And they are liable to a penalty for so doing?—Yes.

425. Do you think this Bill that is before the Committee now, would prevent that?—I think it would not. It is very hard to regulate the course of this disease. I bought 200 heifers from a gentleman in the county of Galway; 120 of those cattle went to a person who fed them, and had nothing the matter with them; 80 my brother fed on his own land. Out of the 80, 66 became distempered. Sir Thomas Burke knows the gentleman I bought them of, and he pledged me his word that these cattle were taken from the same land. (Piers Joyce, Esq., was the seller.)

426. Does your experience as a farmer lead you to think that this disease is excessively contagious?—It is very difficult to give an opinion about it. On our own land last year, we had not a single diseased beast. Two years ago we had several. Some will have lots of cattle swept away, whilst on the adjoining farm there are none sick.

427. Is there not very great difference of opinion among persons who have given attention to this subject as to the cause of the disease; have they come to a satisfactory conclusion?—I never heard any conclusion I cared about; the experience of persons who have had large stock pass through their hands shows that nobody knows anything about it.

428. Does not your experience lead you to conclude that the disease appears now in a more mitigated form?—Yes.

429. It is not so severe?—No, nor so extensive, nor so rapid in its effect.

430. Is there not much more time given to a person who observes the early symptoms of pleuro-pneumonia to get rid of them?—It is our custom now to turn the cattle into a paddock, and to keep them for two or three days, to see if the beast recovers and becomes sound; if they continue to decline we send them to market to dispose of them; we do not attempt to doctor them.

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431. When the disease at first appeared, you could not do that, it was so rapid ?—No, because the disease became fatal in half the time it does at present.

432. When it broke out at first, a beast was in a state of inflammation and on the point of death in two or three days ?—Not so soon as that.

433. How soon ?—Five or six days.

434. *Chairman.*] I understood you to say it was difficult, after the cattle were killed, to distinguish between the meat of sound cattle and the meat of diseased cattle ?—Yes.

435. How do you reconcile that with the fact which I understood you to state in an earlier portion of your evidence, that in all cases where cattle were diseased they were sold at an inferior price to the butcher, and at an inferior price to the consumer ?—Excuse me ; I gave an instance to the contrary, that of Sir David Roche's oxen sold to the best butcher in Liverpool, who gave as good a price for them as any cattle in the market fetched of the best quality, and that the beef was as good. The remark applies to other cattle that come into the market as stores, and that would not if sound fetch a good price.

436. Sir *Thomas Burke.*] Suppose you get a first quality of beast sent to you in the first stage of distemper, in what state of deterioration is that animal ?—Not the least ; nor is there any possibility of knowing it afterwards.

437. But the thin beasts coming to you at this time of the year are sold at a lesser price ?—Yes ; and the view which I take of the last clause is, that it will influence the grazier to keep the distempered stock on the land, and run the chance of disease spreading very much. My brother had 102 distempered cattle last year, and if he had been prevented from sending those to market it would have entailed a loss upon him of at least 600 *l.* ; he sold them for 1,150 *l.* I do not think it is a trespass on anybody in the community that they should come to the market to be sold. Everybody sees what they are buying ; there is no attempt to conceal the matter.

438. Mr. *Caird.*] You think the most ready chance of getting rid of the infection is to send them to the market ?—Yes.

439. Sir *Thomas Burke.*] How many head of cattle have you and your family now that will be fit for sale between this and Christmas ?—I suppose we have very nearly 20,000 that will all go to market between this and April next.

Martis, 23° die Junii, 1857.

MEMBERS PRESENT.

Mr. Ball.	Mr. Gurdon.
Mr. De Vere.	Lord Naas.
Mr. Caird.	Sir John Shelley.
Mr. Colvile.	

GEORGE W. P. BENTINCK, Esq., in the Chair.

Mr. *James Cockburn*, called in ; and Examined.

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440. *Chairman.*] YOU are a large occupier of land in the county of Norfolk ?—I am.

441. And I believe you have read the Bill now before the Committee ?—I have.

442. Will you be good enough to state your opinion generally as to whether you consider the amount of disease prevalent in that part of the country is sufficient to necessitate further legislation, and whether you think the Bill would meet the exigencies of the case ?—I think it an important point to farmers and graziers that some mode should be adopted to stop diseased cattle going to market ; but more particularly I think that disease should be stopped from coming from foreign countries to ours—new diseases perhaps. They talk of the murrain being abroad. It would be fatal indeed to us if a new complaint should come here. It would affect not only the grazier, but the whole of the

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public generally, if the murrain found its way to this country, because it is so speedy in its effect. I do not know, of course, from my own knowledge, but from what I have heard on the farm where I now live, there were 40 cows kept on the farm, and 39 died of this complaint. The disease was found to be so infectious that some of the finest pastures on my farm had to be ploughed up in consequence of the inability of the occupier to replace his stock. That makes me very anxious, and I think it necessary, for the protection of graziers and the public in general, that the greatest possible anxiety should be felt to prevent a similar disease coming here again.

443. But with reference to the prevailing disease called pleuro-pneumonia, do you, from your experience, consider it to be contagious or infectious?—No doubt of it; for when I have had it myself I have found the most efficient thing has been to separate the cattle.

444. And you have found that a preventive?—Not always, because I have not found it out in time.

445. But you think that a precaution of that kind tended to prevent the spread of the disorder?—Yes; and I think that diseased animals should not go into the market.

446. Then you think that the law is defective for preventing the spread of the disorder at home, and its importation from abroad?—I think they want more stringent measures to prevent the importation of diseased cattle from abroad.

447. You think the disorder is imported from abroad?—I think, no doubt, we had it from abroad in the first instance; both the small-pox in sheep and the disease called pleuro-pneumonia.

448. Then, as far as your experience goes at present, you find the want of a more stringent enactment tends to increase the spread of the disorder in this country?—Certainly; there can be no doubt of that. As I said before, I am more fearful of having any foreign diseases brought from abroad.

449. But do you think that the disease called pleuro-pneumonia has now spread to a considerable extent by cattle being imported from abroad?—It has in our country I know, and the infection is already in the country, and it continues from one part of the country to the other without any more cattle coming from abroad. I am most apprehensive lest we should have any new complaint introduced.

450. Lord *Naas.*] Have you read this Bill?—Only part of it.

451. Do you think it would be advisable to levy a penalty of 20 *l.* on any person who might offer for sale a beast suffering under pleuro-pneumonia in a public market-place?—I do.

452. You think it would be advisable?—I do.

453. What do you think would be the effect of that?—The effect would be to prevent people sending them into a public fair or market.

454. What do you think they would do if they did not send them to market; would they not try to cure them at home?—Yes, no doubt.

455. Do you not think that the effect of that would be to keep the diseased animal alive much longer than if sent to market to be killed?—If there was any danger of having the disease, I would have them killed or sold at once.

456. Do you not think it would be a great hardship on people to prevent them from selling the diseased animal?—The question is between selling them and taking them into a public market.

457. How could you sell them without taking them into a public market? Suppose you live in a remote part of the country and are unable to find a buyer without sending them to a public market?—People in a remote part of the country buy them. Whenever I have had any I have not sent them to a public market.

458. Where do they go to after you have sold them?—I do not know.

459. Then you would allow these animals to be sold by private sale, but not by sale in a public market?—No; I make that distinction.

460. You have no objection to their being driven along or through a populous town after you have sold them?—I do not see how you could stop that or prevent it.

461. What would be the difference between your driving an animal that you have sold privately through a populous town or through a country, meeting several herds of cattle on the road, and selling it in a public market?—I think there is some difference in sending them into a private lane or a public road, because

because there is not so much danger of their affecting other beasts as sending them to a market where there are many other cattle.

462. Would not the danger be equal to sending them to a fat cattle market, where the beasts are sold to be slaughtered in eight or ten hours afterwards?—Oh, if they were to be slaughtered in eight or ten hours afterwards there would not be so much danger then.

463. Therefore you think it is not so objectionable to sell one of these beasts in a fat cattle market as in a countrymarket?—I think if you were to take them to Copenhagen Market, there would not be so great danger as on Norwich Hill, where the best part of the beasts are sold to graziers. There would be a considerable difference between the two markets.

464. Do you think that the meat is affected in the early part of pleuro-pneumonia?—No, I think not.

465. Not at all?—I do not say not at all, because I do not know that; but I I have seen meat killed and it could not be told that it had the complaint, although we knew very well that it had had it.

466. Do you think, from your experience, that pleuro-pneumonia is decidedly infectious?—Yes.

467. And do you state as your opinion, that if foreign beasts could be prohibited from coming into this country we should not have pleuro-pneumonia?—I do not say that.

468. You said something very much like it just now?—I said that in my opinion we had it originally from abroad.

469. Do you not think that pleuro-pneumonia is like many other epidemic diseases, like the cholera for instance, which it is impossible for man to say where it comes from?—Decidedly so.

470. Do you not think it partakes as much of the nature of an epidemic as of a contagious disease?—Yes.

471. Have you known of pleuro-pneumonia breaking out in herds of cattle, when it could not be traced to any particular cause?—We cannot tell sometimes where it comes from. If I buy a lot of bullocks, one or two may have it, the others may not.

472. Have you never heard of pleuro-pneumonia breaking out in a herd of cattle, short-horns for instance, when no strange beast has been brought in for a year?—Yes, I have heard of that, and have known it.

473. Mr. *Gurdon.*] You are of opinion it is infectious?—I think so.

474. Are you aware that a great many people hold a contrary opinion?—Yes.

475. Mr. *Ball.*] Do you not make a great distinction between taking a diseased animal into a market, knowing that animal is diseased, allowing it to be mixed with thousands of others that are there, and sending it to a butcher and saying, "Will you buy this animal; it is suffering from an infectious disease; take it away immediately"?—I think there can be no question that the best and safest way is to get rid of it as soon as you can. I think my answer inferred that in the first instance.

476. I want to draw the distinction; one is a proper way to dispose of it, the other is an improper way?—Yes. I should be ashamed of myself if I sent bullocks to market, to be sold to graziers, that I knew were diseased. I should make a great distinction between sending a bullock to a public market to be sold to graziers, and sending it to a butcher to be killed.

477. If you had an apprehension of an infectious or contagious disease, would you not adopt remedial measures to prevent its spreading?—No doubt.

478. And if you knew that pleuro-pneumonia was spreading about in a foreign country, would you not take measures to prevent its introduction here?—That is my great object in coming here, to impress on the Committee, in my humble way, the necessity of stopping that or any other disease coming from abroad. It is quite bad enough for us to have it here without any new disease.

479. When we do have it among us, generally there is great attention paid to it, and it is repressed by skill, and killing?—Yes.

480. But if we are to have a free importation of the disease, the peril of spreading it is much increased?—Yes; on the other hand, I must not be at all understood as wishing to check the importation of foreign cattle.

481. That is not the question?—No, because we want to have free trade in cattle as well as in other things.

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482. Would you do everything in your power to check the introduction of diseased cattle?—That is what I think this Committee means to do.

483. Mr. *Colvile.*] You said there are not sufficient means taken to prevent the importation of diseased cattle, and consequently this disease, which is called pleuro-pneumonia, is spread in England. Have you made yourself acquainted with what measures have been taken at various periods to prevent the importation of cattle in a diseased state?—No.

484. You are not aware that there is an inspector appointed at all the ports at which cattle come from abroad, and that if those inspectors certify cattle are in a diseased state, they are forbidden to enter?—I am not aware of there being inspectors.

485. You think that, as a general principle, inspectors should be appointed to prevent the importation of cattle in a diseased state?—I think that the greatest precautions should be taken to prevent diseased cattle being imported.

486. What description of stock do you keep on your farm; a breeding, feeding, or a dairy stock?—Both; generally grazing cattle.

487. Has any instance come within your knowledge where a herd of healthy cattle have become diseased by a diseased animal being put into the same field with them?—Oh dear, yes. I have known cases where diseased cattle have been put to fresh herds, and they have all been alike subject to the disease. In my own case I have known it.

488. What was the disease which they became affected with?—Pleuro-pneumonia.

489. Have you had any conversation with your brother farmers about this Bill?—A little, I have.

490. Do you think, as a body, that they would be willing to submit to these restrictions that are imposed?—I have met with different opinions upon that. I spoke to an eminent landowner and farmer the other day, and he said he did not think that anything could be done, but he agreed that every possible precaution should be taken to stop foreign diseases coming from abroad.

491. You say that when an animal becomes diseased, in your judgment the best course is to get rid of the beast as quick as possible?—I believe that is the general system now.

492. Is there any practical difficulty in killing that animal on the spot, if it is moderately fat, and sending its carcass to a dead-meat market?—No; I do not think there is any difficulty in killing it on the spot and sending it away.

493. Assuming that pleuro-pneumonia is contagious, would not that be the best way of disposing of a diseased animal?—It would be the least hazardous, no doubt.

494. *Chairman.*] I understand you to say that, as the law stands at present, there is nothing to prevent diseased cattle being taken to Norwich Market, and exposed there among other cattle that will be sold to graziers?—I have known diseased cattle there often enough, but I have never known measures to be taken to prevent it. You know there is a prejudice against beasts coming from Ireland, as being more subject to this disease than our own, and when we buy them we buy them at so much less. The same number of beasts from Ireland will sell for much less than our short-horned beasts, because there is a greater probability of their having the disease.

495. Mr. *Caird.*] And that is the reason why so many have been bought in Norwich cheaper?—They ought to be bought cheaper, because there is a great deal more hazard in buying them.

496. Do you think there is more danger of having pleuro-pneumonia from Irish beasts than from those imported direct from abroad?—I cannot tell that; I do not know what number of beasts is imported from abroad; I know there are a great many from Ireland.

497. Lord *Naas.*] If you found among the Irish beasts cattle suffering under the disease, would you buy them?—There are a great many bought.

498. You can see the symptoms?—Yes.

499. And you buy them notwithstanding?—We do not know exactly whether they have this pleuro-pneumonia. At times they show symptoms of slavering at the mouth or disease of the feet; that may be only the commencement of the disease, and they may get well without much difficulty.

500. Suppose you were to apply the provisions of this Bill to the Norwich Market,

Market, how would you take on yourself to say whether a man was liable to the penalty of 20*l.* or not?—There would be some difficulty, no doubt.

501. Would there not be a great difficulty?—Yes.

502. Do you think that among a number of cattle having been driven for some distance on a hot road into a market, and then standing and becoming chilled, many of those beasts would not show symptoms that might be easily taken for incipient symptoms of pleuro-pneumonia?—Yes; because I have had many trustworthy dealing men that have bought beasts that have had no symptoms, but after a few days they have had, and then they have kept the others away until they have got better or have died.

503. Therefore this Bill would not be efficient, except in the case of a beast in an advanced stage of the disease?—There would be some difficulty in fixing a penalty on any one.

504. And a beast in an advanced stage of the disease could hardly be mistaken by anybody who was in the habit of buying and selling cattle?—Not if he was very bad.

505. Mr. *Caird.*] Do you think that graziers who are about to purchase stock find it an advantage to go to a market where there is a good stock?—Yes.

506. Do you not think that a penalty of 20*l.* on a salesman bringing up stock, which, by reason of the distance they have been driven on the road, or from some other circumstance, may show symptoms of disease, would tend to lessen the supply of store stock at the market?—I do not think it would; I think he would keep them back. Suppose he brought 100 beasts, and five or six showed symptoms of this complaint, he would keep them back.

507. Is it not the case that a good many Galloways are brought up from Scotland to Norwich Market?—Yes.

508. Is not that a distance of between 400 and 500 miles?—I believe it is.

509. Would not a Scotch salesman run great risks if he brought them up the distance of 400 miles, and was to be liable to a penalty of 20*l.* for every one that might have the disease, before he came to the Norwich market?—Yes.

510. Do you not think that would prevent that man carrying on his trade?—If they are to be sold they would come to market in some way or other; the only thing is, that people would be more cautious in bringing the infected beasts in with the sound ones.

511. Do you not think it is usual for a farmer to try in every way to avoid purchasing an animal that is affected by this disease?—Certainly.

512. Is not that a safeguard sufficient to prevent the introduction of diseased cattle to an increased extent?—No, I do not think it is; the object is to keep them entirely away from the market.

513. Do you think that is possible?—Not possible, perhaps, in every instance; but this Bill would keep a great many away that are bad.

514. Do you know that the disease of pleuro-pneumonia is, at this time, very prevalent throughout Great Britain?—Yes.

515. Do you think that if foreign cattle were entirely prohibited from being admitted into England at this moment, that that would prevent the disease from spreading in England?—No.

516. Mr. *Ball.*] You stated that Irish cattle are bought much cheaper, because there is a suspicion of their being tainted by the disease. Now, if any restrictive measure could secure the public from that apprehension, if there was more caution, and if people could be convinced that animals coming from Ireland were not diseased, those animals would fetch as high a value as any other?—Yes.

517. Therefore, precautionary measures would be beneficial to Ireland, the country that sends those animals?—Certainly; the greater the precaution that is taken, the less they will suffer.

518. Mr. *De Vere.*] You have had some opportunity of observing the disease in your own stock?—Yes.

519. At what period of the disease do you believe that its infectious character commences?—Immediately.

520. In the case of a diseased beast being killed at home in the early stage of the disease, and sent dead to a dead meat market, would not the value of that beast be very much lessened from what it would be if sent alive into the market? Would not its being sent in a dead state be a slur on the character of the meat?—There are many good sound beasts that are killed, and it would be difficult for a purchaser

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a purchaser to tell from what motive it was killed; it would depend on the condition of the beast; if it was very poor, it might be supposed there was some reason for killing it.

521. In the case of a half-fattened beast, would it not deteriorate the value of the meat?—Yes, if there was a suspicion that it was killed for that reason.

522. Suppose the case of a salesman in a large town, to whom beasts are consigned for sale from a distance, do you not think that he would feel very much impeded in his dealings if he knew that there was an Act of Parliament in force which would subject him, as the person exposing the beast for sale, to a penalty of 20 *l.* in case it should be discovered to be unsound, and not the owner?—I think it has never been applied, except to the owner.

523. Have you read the Bill?—No.

524. Are you aware that the Bill proposes to impose a penalty upon "any person exposing or bringing, or attempting to expose or bring, any horse, ox, bull, cow, calf, or other horned cattle, sheep, lamb, or other animal, into any market"?—I should say it ought to be the owner.

525. Then you think the Bill as drawn, subjecting the person exposing the animal to sale, would impede the dealings of the large salesmen?—I think it would be like putting the burthen on the captain of a ship who brings the animal over; it ought to be on the drover who drove the beast to market.

526. *Chairman.*] As far as you know, at Norwich Market there are no steps at present taken to prevent diseased cattle being mixed with sound cattle?—I never heard that there was at all.

527. They all take their chance?—Yes; I never heard of steps being taken to prevent the spread of the disease.

528. You never heard of such a precaution on Norwich Hill?—I never heard of any.

Mr. *William Heath*, called in; and Examined.

Mr. *W. Heath.*

529. *Chairman.*] YOU are an occupier of land in Norfolk?—Yes.

530. Have you read the Bill now before the Committee?—Yes.

531. What is your opinion as to the effect of the Bill, as it now stands, on the interests of farmers generally?—I think the opinion is rather against the Bill, that diseased cattle should not be got rid of.

532. Do you think it would be for the benefit of the farmer, and of the public generally, that further precautions should be taken to prevent the spread of disease among cattle?—Yes, to prevent it; that would be advantageous to the farmer; but the farmer wants to get rid of diseased cattle as soon as he can if he is unfortunate enough to have them.

533. He wants to get rid of them?—Yes.

534. But you think if this Bill were passed and acted upon, there would be less liability to have diseased cattle than there is now?—I do not see that it could be acted upon at all.

535. You do not see that the Bill could be acted upon?—No.

536. Then you do not think it would be a benefit to the farmer?—Not as the Bill stands.

537. What alteration would you suggest?—I would suggest that if a farmer sold a lot of diseased cattle to a dealing man, and that dealing man sold them to a grazier or a public salesman, that a heavy penalty should be imposed. Those are the men I would inflict a heavy penalty upon; I would increase the penalty from 20 *l.* to 50 *l.*; let the farmer take the same chance of being fined as the dealer.

538. You would fine any person selling diseased cattle knowingly?—Yes, to a grazier.

539. Lord *Naas.*] Not to a butcher?—No.

540. *Chairman.*] And you would fine the grazier equally with the farmer?—Just so, and the salesman; I would fine both the salesman and the farmer that sent them.

541. You think the imposing of that penalty would be a means of preventing the spread of the disorder throughout the country?—I think so; at the present time there are some of the best beasts in the country diseased, and those beasts are sent up to the London market, and sold to the best butchers. The best butchers buy them, and the meat is none the worse.

542. Mr.

542. Mr. *Gurdon.*] You only object to the penalty if they are sold to a butcher, not if they are sold to a grazier?—I object to the penalty if the grazier sent the beasts to be sold to be killed.

543. You would not impose the penalty if the grazier sold them to be killed?—No.

544. But if they are sold to another grazier, then you would impose the penalty?—Yes.

545. Mr. *De Vere.*] When you say you would impose the penalty, you mean you would impose it upon a man selling an animal as sound which he knew to be unsound?—Yes.

546. Are you not aware that a buyer under such circumstances would, by law, have a right of action?—Yes, but law is very dangerous to enter into sometimes.

547. Have you heard of any action of the kind which I have alluded to, tried?—Yes, I have read of them in the paper.

548. And what has been the result of them?—It is an immense deal of trouble to get the money; sometimes you get it, sometimes not.

549. I suppose the success or otherwise of the action depends on the nature of the proof which the party brings?—Yes, but in the success of an action, the winner is sometimes the loser.

550. Mr. *Caird*] Are you aware that at the commencement of the disease it is difficult to know whether the animal is affected or not?—Perhaps it may be, but when once it shows itself we can tell in a very few hours.

551. You say you would subject a farmer or grazier that sold an animal affected by this disease to a penalty?—Yes.

552. Might he not, in ignorance of its being affected, sell the animal?—If the bullock were healthy when it left the farm, that would be proof that he was innocent, but if the man had lost any bullocks before it left the farm, that would alter the case.

553. Lord *Naas.*] Do you mean to say that you propose to prevent a man from selling the rest of his cattle while he had one case of pleuro-pneumonia?—Yes, decidedly, to the grazier.

554. Decidedly?—Yes.

555. Then, suppose you had 100 head of cattle grazing over 200 acres of land, and one case of pleuro-pneumonia existed, you would prevent a man selling a single beast?—No; but if he had those beasts grazing, he would not have them in one lot.

556. How do you know he would not?—Not grazing beasts.

557. Are you aware that in large grazing districts you very often have the same cattle running over 300 or 400 acres of ground?—Mine are in different lots.

558. Are you aware that other people do not keep their cattle in different lots?—I never knew so many as that in one lot.

559. But, although you may keep your cattle in different lots, do you not shift them about from one pasture to another?—We do not.

560. Mr. *Caird.*] You purchase Hereford stock from Hereford?—Yes, from Shropshire mostly.

561. Do you not think it would be a very hard thing on the man who supplies you with those stock if, when he parted with the stock, they were to all appearances free from disease, but the disease may have been in the stock when he was unable to observe it, and you found afterwards that the disease broke out, would you not think it a hardship on him that he should have a penalty of 20 *l.* imposed upon him for every animal so diseased?—No, because if the disease had not shown itself, we should consider the animal sound.

562. Where would you draw the line?—I should draw the line where any cattle had been lost out of the lot. Suppose a man were to buy 20 beasts, if he lost one or two of them and then sent the rest to market, you would know that he had had the disease.

563. You would impose no penalty even if he should send 20 to market, which had every one of them the disease, provided he had not lost one before he sent them to the market?—Certainly not.

564. Then you would not stop the disease by your preventive measure?—The 20 cattle would not be bought at all, because the purchaser would see that they were diseased.

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565. Lord *Naas.*] How could you make a law, such as you propose, to apply to the whole country, when the cattle throughout many parts are not kept in lots?—In our county, and there are more cattle come from Norfolk than from any other county, they are all in small lots.

566. Now as to keeping your cattle in lots, of what nature are your fences?—Some fences and some water ditches.

567. Are there not gates to your fences?—Yes.

568. Then do you not think that cattle looking over the gates and smelling each other are as likely to catch the disease as if they are in one field?—No.

569. Mr. *Caird.*] Have you had much disease in your grazing districts?—Yes, we have lost some.

570. Lord *Naas.*] How many cattle have you on your farm at one time?—I have 360 at the present time.

571. Are they all at grass?—No; about 40 of them are in the sheds.

572. The main part are at grass?—Yes.

573. And all feed in small enclosures?—Yes. The largest number I have together are 28.

574. Mr. *Ball.*] When you say that you would impose a fine on persons selling diseased beasts to graziers, but you would not fine them when they sell diseased beasts to butchers, you would do that because by selling to graziers you would extend the disease, whereas by selling to butchers you stay the disease?—Yes.

575. That is your view of it?—Yes; what should we do with them, having them lying about in our farms at home? There is no cure for it, not the least cure. I was looking my book over the other day, and I find it was only on the 23d of June last that I had fourteen Scots up; I lost six or seven; they cost me 31 *l.* each.

576. Mr. *Gurdon.*] What did they realise after they were diseased?—I lost five or six; I sent the rest up on the 21st of June, and they made from 28 *l.* to 31 *l.* each on the 23d of June.

577. Mr. *Caird.*] What did you realise from those that were diseased?—24 *l.* or 25 *l.* each, and some of them made as much as the others did.

578. Lord *Naas.*] Although they were actually suffering under the disease?—Yes.

779. Mr. *Caird.*] If you had been liable to a penalty of 20 *l.*, it would have been a great loss to you?—I should have chanced paying the 20 *l.*, and have sent the cattle to market.

580. Mr. *Ball.*] That supports the opinion which you have advnced, that the best way of stopping the disease is to kill the beast, not to sell to a grazier again?—Yes; that is my idea.

581. Mr. *De Vere.*] Then, if everybody thought like you, the imposition of the 20 *l.* penalty would not prevent their sending diseased cattle to market?—I do not know what other people think; I have stated what I think.

582. *Chairman.*] You think it would be worth while to run the risk of the penalty rather than not send the cattle to the market?—Yes.

583. Mr. *Caird.*] And you say that the diseased cattle were worth 25 *l.* when killed?—Yes; but even if a bullock makes but 10 *l.*, you are better off. If you have 20 *l.* to pay for a bullock, and you send him to market and get 10 *l.*, you have 10 *l.* towards paying the 20 *l.*; if you keep the bullock at home, and he dies, you lose the whole.

Mr. *Joshua Freeman*, called in; and Examined.

Mr. *J. Freeman.*

584. *Chairman.*] YOU are, I believe, a large occupier of land in Norfolk?—Yes.

585. You have heard what has been passing here?—Yes.

586. Have you seen the Bill?—Yes.

587. Will you state generally to the Committee whether you think the operation of the Bill would be advantageous to prevent the spread of pleuro-pneumonia throughout the country?—It would check it in some measure, but I think it would be difficult to act upon it in every respect.

588. You do not think the infliction of penalties in certain cases would tend to prevent the exposure of diseased cattle in public markets?—I think that

that when a beast is fit for slaughtering, you should not stop his being sold. I quite agree with Mr. Heath, that no man who has a beast fit for slaughter would think of keeping it at home, but would send it to market. It is impossible for us, in the first stage of the disease, to tell whether the meat is affected. I mean the first 48 hours. It is a common case now for farmers, when they have a beast fit for slaughtering, the moment they are taken ill to have them sent to market, and I do not think that the meat would be affected in so short a time as 48 hours.

589. Do you not think that, if penalties were imposed, the farmer could slaughter them at once, or send them to a butcher who could slaughter them, and that that would tend to check the spread of the disease?—Yes; if you kill the animal you stop the disease. That one could not give it to any more. The sooner the animal is slaughtered the better.

590. Therefore any enactment which tended to compel the immediate slaughter of diseased animals would tend to prevent a spread of the disease?—Yes; let the animal be fat or poor, you ought not to sell it to a grazier to spread the disease. You want to check the disease.

591. And you think that the probability is, that the spread of the disease would be diminished, if more stringent enactments against exposing diseased cattle for sale were adopted?—Yes; I can only speak from my own experience that it is difficult to see how far pleuro-pneumonia will act upon a lot of cattle. I have had it in the same lot of cattle from six to 18 months. I mean to say, they were young cattle growing up with the disease.

592. Mr. *Caird.*] Not the same animals?—No; the same lot may have had it among them 12 or 14 months. I sent some to Smithfield. Then, supposing them to have had it 15 months, there would be a middling beast that would fetch perhaps 20 guineas, and at the time he was taken he would not be worth seven. But I think I ought to be under a heavy penalty if I sent the animal to be sold again.

593. If you kept the animal for 15 months, knowing it to have the disease, you have not a very strong opinion of its being infectious?—Yes, but I did not mix the other beasts with those that were affected.

594. Did they spread the disease?—Not to other lots of cattle; it did not go any further.

595. You had 15 animals on the farm?—I had 15 or 20 beasts, and among the 15 or 20 beasts I had every now and then a beast taken with the pleuro-pneumonia. I tried experiments with them, such as rowelling and setons. In some instances we fancy if we get a discharge it is beneficial. I have had some beasts that have lived with rowelling for 12 months. I kept them grazing, and then cut the cord out and sent them to Smithfield.

596. Do you mean to say, that during the whole 12 months no more were affected with the disease?—That is the question. To appearance they were taken with the pleuro-pneumonia; and when you have young beasts that are poor stock, I agree with Mr. Heath, that I would not send them to an open market.

597. You stated that you have had an animal that had had the disease for 15 months?—Which I suspected had the disease.

598. And you sent it to the market?—You do not understand me. I have a lot of beasts that fall down with the disease, and if we see them fall down we put a rowel or a seton in to get a discharge. Perhaps you understand what a rowel is.

599. Yes.—Well, then, this animal got better, and continued on my farm for 15 months.

600. And then it was a cured animal?—It was never perfect; I imagined that one lung was perfect and the other was not.

601. Lord *Naas.*] It would be very hard for you to say whether that animal was a case of pleuro-pneumonia or not?—I could not say, but it would have been a great loss to me to be prevented from sending that animal to the market.

602. *Chairman.*] But you have always dealt with this disorder as if it was contagious and infectious?—Yes.

603. And you have found the advantage of keeping the infected or suspected cattle away from others?—Yes.

604. And you think that a man sending cattle in that suspected or diseased state to market would be doing an improper act, and one that would be derogatory

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to his character?—I would treat him as I should wish to be treated myself. If I sent 12 or 14 diseased cattle into a market I think I ought to be under a heavy penalty; but unfortunately the men that sometimes come to the Norwich Market are not worth going to law with about it.

605. Lord *Naas.*] You could maintain an action against such a man, according to the present law?—What is the use of bringing an action against such people?

606. But if you could catch them and found they were worth powder and shot, you could maintain an action?—If they were, I would generally pocket an affront of that kind, than go to law; I have a great objection to lawsuits.

607. Mr. *Caird.*] How many cattle in one drove sometimes come to Norwich belonging to one man?—From 50 to 200.

608. What would those 200 be worth?—It depends on what they are. Mr. Heath attends Norwich Market more than I do, and he can tell you more about it; I do not attend Norwich Market more than twice a year; I live in West Norfolk.

609. If a man attends a market with a large stock, do you not think that he is worth powder and shot?—But when a man comes there with diseased cattle, do you not think he would employ a little man to sell for him those?

610. Mr. *Ball.*] When you had some cattle with your sheep for 15 or 18 months, you did so, I suppose, with a view of experimenting to see if the disease would die out of itself, or if it would continue with the stock?—Yes.

611. And the others were by degrees affected; they were not all affected at once?—No; from the time I spoke of they went off, within six weeks of the others being sold.

612. You may have an animal that has not any outward appearance of a disease, or manifesting any symptom by which you may know that the disease is in it; still if the disease is in it, in a little time it developes itself?—Yes.

613. Then do you not think that the suggestion is a very good one, to punish those who sell to the grazier and not to the butcher?—Yes.

614. Because the effect would be, that in the one case you would kill off and destroy the disorder, and in the other case you would propagate and increase the disorder?—That is my opinion; let them be beasts or sheep, or other animals.

615. *Chairman.*] You know nothing, of your own knowledge, of any case of the disorder being introduced from abroad by importation of foreign cattle?—I have never bought any foreign cattle.

616. Mr. *Gurdon.*] You buy Irish cattle sometimes?—I have bought Irish cattle; I think it is difficult to know what beasts are diseased in Smithfield. There may be many beasts diseased and salesmen not know it, if they are fat beasts.

Mr. *William Drake*, called in; and Examined.

Mr. *W. Drake.*

617. *Chairman.*] YOU are a Solicitor, practising at Dereham, in Norfolk?—I am.

618. Have you considered the Bill now before the Committee?—I have.

619. Will you state to the Committee, from what has come under your knowledge professionally, your reasons for thinking that further legislation on the subject is necessary, and how you think the present proposed Act would be beneficial to farmers, and the country generally, for the purpose of stopping the progress of disease?—Until I heard of this Select Committee being appointed, I considered the present Bill was simply brought in to correct an error in the Act of Parliament passed in 1848, at the time the small-pox was raging among sheep. That Act enacted that every person who exposed a bullock or any horned cattle, as well as sheep, diseased with any infectious or contagious disorder of the nature of small-pox, should be subject to a penalty; but the Act was so clumsily worded that it would not extend beyond any disease that was of the nature of small-pox, and therefore it was a dead letter as regards oxen, in whom the natural disease of cow-pox appears a protection against the ravages of small-pox. I thought this Bill had been simply introduced to render intelligible that Act of Parliament, and to extend it to oxen as well as sheep.

620. Did many cases come within your knowledge professionally of the inefficiency of that Act?—I had a case of this kind in the autumn. A man who had a large number of cattle grazing in his park which were attacked with

with pleuro-pneumonia employed a number of small cattle dealers, and sent them, in lots of five and six, four and five, and two and three, to Norwich Hill to be sold; the effect of which was, that eight of them were sold to some clients of mine. They made their inquiries, as it is very necessary to do, in buying cattle on the Hill, to know from whence they came. A false representation was given by these people, and in once instance a false name was given by the dealer, and a false place of residence, evidently showing that he knew these beasts were diseased with pleuro-pneumonia; they were brought home, and communicated the disease to the stock on the farm of the purchaser.

621. Sir *John Shelley.*] Had there been any sign of the disease before these animals came?—Several of these animals had died in the park before the others were sold; there were from 60 to 80 cattle grazing on the park lands, and I think our investigation led us to ascertain that six of them had died, and the remainder of the herd of the cattle were sold out in small lots through the instrumentality of small dealers.

622. But what I want to know is, whether any sign of the disease had appeared previously on the farm to which these cattle were taken?—Never.

623. *Chairman.*] Do I understand you, in this case where the cattle were taken to Norwich Hill, that, owing to the inoperative state of the law, there was no remedy for your client?—Certainly not, except against these little dealers, and in that case there was no warranty. There is no law that will give you an action against a party in such a case; it is *caveat emptor*, unless you take a warranty with the articles you purchase.

624. So that the party fraudulently sold them, knowing them to be diseased, and there was no remedy?—Yes.

625. And you think this Bill, which you have read, would tend to remedy that inconvenience?—No doubt; and I think further, it really carries out properly the provision of the Act of 1848, which, I think, has been three times renewed without, it would appear, its defective provisions being considered.

626. Sir *John Shelley.*] That applied to one disease only, namely, small-pox?—But you will see it could not apply to small-pox as regards oxen, because the beast carries in his frame the antidote.

627. Do you think, as regards farcy, which is not easily defined, that such a stringent provision is required as is provided in this Bill?—I have not a sufficient knowledge of the character of farcy to know whether it is contagious; if it is contagious it would be a prudent regulation to make.

628. If we have had evidence before us of a leading veterinary surgeon that there are other diseases which to all appearance look like farcy, but which are not, how would you protect the farmer against being suspected to have farcy on his farm when he might think it was some other disease?—When he was summoned for the penalty which this Act of Parliament imposes, I should take before the justice a veterinary surgeon, who would give the evidence which you have now given, that there was a doubt whether it was farcy or not, and under the Act of Parliament the party must knowingly be aware of the disease, and if he was not, he would not be liable to the penalty.

629. Mr. *Ball*] You have been speaking of the inefficiency of the law as it now stands?—Yes.

630. You are not prepared to give an opinion as to farcy?—No.

631. Sir *John Shelley.*] The object of my question was to ascertain whether you would apply the Bill to all contagious disorders not so important as small-pox?—Yes.

632. You are not prepared to say that pleuro-pneumonia is so fatal in beasts?—I am utterly incompetent to give an opinion.

633. Mr. *Gurdon.*] You have not had knowledge enough to say whether it is contagious or not?—I have had some 12 or 14 different actions for beasts sold by these small dealers, actions in the county court, where the amount has not amounted to 50*l.*, in which we have been able to fix dealers with words which would amount to a warranty. They are not very choice in their language, but any declaration that "they are all right," or anything of that kind, will amount to a warranty, and in those cases we have succeeded. My experience of those cases leads me to say it is infectious.

634. But you are aware there is a difference of opinion among agriculturists as to whether it is or not?—Yes, among agriculturists; but, as far as I

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can ascertain from all the leading veterinary surgeons, they are of opinion it is contagious.

635. Mr. *Ball.*] What do you say was the result of those 12 or 14 actions?—The result was, that in many instances we recovered against the parties; but in many other cases where application was made there was no warranty given with the animal that it was sound, and therefore there was no remedy. I was about to observe, that in almost all those cases they were small dealers, who, when gentlemen of the class whom you have had before you now discover that pleuro-pneumonia exists among their cattle, go and buy the remainder of the herd, small or great, at a reduced price, and then take them and sell them out in small lots, mixing them sometimes with others, to any person who will purchase them, and selling them, if not with actual warranty, at least in such a way as to lead the grazier or farmer buying to believe that they are sound, and thus spreading the disease.

636. Sir *John Shelley.*] Then if a buyer chooses to protect himself, he may, by getting a warranty?—No.

637. There is no necessity for any stringent measure to protect the buyer, if he will protect himself?—Yes, there is, because, in nine cases out of ten, if the person who buys chooses to follow them into the county court, four or five of them would be insolvent when the question of payment came.

638. Mr. *Ball.*] You would carry it further. You say, first of all, that the persons who sell these animals are not respectable dealers?—They are not.

639. Consequently you would not be secure in a prosecution against these little persons?—Certainly not.

640. Then you are not protected by the present law, because a man under the present law might sell with a warranty a diseased animal?—Yes.

641. And you want to prevent any person selling a diseased animal?—Yes.

642. Sir *John Shelley.*] Did you not say that you have succeeded in the county courts in several instances?—Yes.

643. And that in the instances where you have failed, it was where no warranty had been given?—Yes. I ought to go on to tell you that, perhaps in four out of the eight cases I spoke of, the debts and costs still remain outstanding against the parties.

644. Mr. *De Vere.*] But this difficulty, arising out of the state of the law, can be got rid of by getting a warranty?—Yes, if the party of whom you buy is solvent.

645. And that warranty can be given in the simplest form by saying, "These cattle are all right"?—Yes.

646. Then what is the difficulty in the buyer asking if they are all right?—The difficulty is to prove it. He and the party selling are together alone at the sale, and then it becomes a question of credibility between the parties.

647. Sir *John Shelley.*] They would not be alone on Norwich Hill?—If not alone, the parties standing around would not be so interested in the conversation as to be able to give evidence of it.

648. Would not the man who had a doubt of the person he was about to deal with have a witness of the warranty?—I do not know; he might do so.

649. Mr. *Caird.*] Suppose you had this Bill in operation, and if those small dealers were not worth prosecution, what remedy would you have better than you have at present?—You might have this remedy; if you look to the latter clause of the Bill you will find it refers back to the Bill of 1848, and the Bill of 1848 provides that any police officer, or any other person giving information of the diseased animal, can seize it.

650. So that the remedy would be to seize the animal?—Yes; and that would prevent its being carried into a herd of cattle where there were healthy beasts, and thereby prevent the spread of the disease.

651. Sir *John Shelley.*] You have given evidence as to horned cattle. Can you state anything as to sheep? Are you aware that it has been very rare of late to find a flock without some lame sheep in it?—I am aware of that.

652. Should you think, taking the district of Norfolk, where a large number of sheep are fatted on turnips, that it would be right that a farmer if he has lame sheep should be precluded from disposing of them?—That would depend on whether the disease of which the sheep was lame would communicate itself to his neighbour.

653. But

653. But how is he to protect himself?—He would be protected if he sold it without knowing it was suffering under a contagious or infectious disorder.

654. How is he to know, one way or the other, if he is not a veterinary surgeon?—If he does not know, the Act *quoad* him would be imperative; because you must bring the knowledge home to him.

655. Then would not a farmer be very foolish to take the opinion of a veterinary surgeon at all, because as long as he acts on his own knowledge he is safe from a prosecution?—I do not know that; that must depend on circumstances; to do that he must permit the disease to continue its ravages in his own flock.

656. How is a farmer having a lame sheep to be fixed with knowing whether it has a contagious disease or not?—A great deal would depend on the character of the disease. For instance, he would know the typhus fever is contagious.

657. *Chairman.*] Do I understand you to say that a warranty would apply in cases of pleuro-pneumonia?—If a warranty was given that the beast was sound, and afterwards it appeared that the animal, within the knowledge of the party, was unsound at the time, no doubt he would be liable.

658. Any description of unsoundness would vitiate the warranty?—Yes.

659. Sir *John Shelley.*] Suppose a bullock has a running at the nose, how is a farmer to know whether that is the effect of pleuro-pneumonia or a mere cold?—That must depend entirely on the circumstance of whether any of his other animals were diseased. It would altogether be a question of circumstantial evidence. In the event of a person selling a number of beasts out of a herd that were affected with pleuro-pneumonia, if he sent an animal up to market with a running at the nose, which may or may not, for anything I profess to know, be one of the symptoms of pleuro-pneumonia, then you would couple that with other facts, such as that he had had the disease on his farm, and that his attention was called to the running of the nose, and a variety of other circumstances, all facts which would arise connecting one chain of the evidence with the other, to show that he had the knowledge; but if you failed in proving that he had the knowledge, then the Act would be inoperative, of course. But in the number of cases I have mentioned, from the knowledge that I have derived, the means by which the disease is most frequently conveyed from place to place seem to be by a set of persons who buy the diseased animals, knowing them to be diseased, and then attempt to force them on the market as sound beasts.

660. The Act goes beyond the person selling?—No, excuse me; it is "any person exposing for sale."

661. The clause is, "From and after the passing of this Act, any person exposing or bringing, or attempting to expose or bring, any horse, ox, bull, cow, calf, or other horned cattle, sheep, lamb, or other animal, into any market, fair, or other open or public place where animals are commonly exposed for sale, knowing such horse, ox, bull, cow, calf, or other horned cattle, sheep, lamb, or other animal, to be labouring under the diseases called glanders, pleuro-pneumonia, sheep-pox, variola ovina, any or either of them, or any other contagious or infectious disorder, and any person turning out, keeping, or depasturing any horse, ox, bull, cow, calf, or other horned cattle, sheep, lamb, or other animal, infected with or labouring under the said diseases, any or either of them, or any other contagious or infectious disorder, in or upon any forest, chase, wood, moor, marsh, heath, common, waste land, open field, road-side, or other undivided or uninclosed land, shall, on conviction of any such offence, forfeit and pay any sum not exceeding 20 *l.*?"—That has all reference to the commencement of the clause; if not, it is easily altered to make it so, by putting in the word there "knowingly" again; but I should suppose the word "knowingly" at the commencement would go to the whole. It is only in cases where a person knowingly commits a fraud that the penalty attaches.

662. *Chairman.*] You would only deal with fraudulent cases; you would not interfere with the operations of the fair trader?—Certainly not.

663. Sir *John Shelley.*] Do you not think that this would tend to considerable litigation, and that there would be constant prosecution of the farmers?—No; I apprehend that, under the Act of 1848, which authorises the local authorities to appoint an inspector, you would have very little trouble indeed. I say that because that first Act was passed with reference to the small-pox in sheep. A respectable gentleman, a veterinary surgeon, was appointed an inspector of the

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market at Norwich, and there were not more than two informations laid under that Act of Parliament.

664. That applies to a public market like Norwich Hill?—Yes.

665. What would be the consequence, in an outlying place in the country (I can mention twenty in my own district) where there is no veterinary surgeon within ten miles of a man's farm, and there is no local authority to appoint anybody; what do you propose in such a case a farmer should do to make himself safe?—Generally, if he has a doubt about the matter, to abstain from selling them in the public market or mixing them with others. He may sell them at home.

666. You would say that there was no harm in a man selling diseased cattle at home; the crime would be in driving them to the market?—The man can be answerable only for his own acts. If he fraudulently sells the beast knowing it to be diseased he is guilty of a fraud, but if he sells his beast to a butcher to be killed at once there is no fraud. A case came under my own observation of a gentleman, a brother of one of the witnesses who was examined to-day, who had twelve diseased bullocks. Two out of the twelve died, and he sent for the butcher, and the butcher agreed to kill the others, two or three a week as he wanted them. But some of the others died faster than he expected, and he took the remainder all off to Norwich. There they were sold in the market, and if the disease is infectious it would be communicated to the herds of cattle there congregated. That is all that the Bill contemplates preventing.

667. Then you would not object to a man who had a diseased animal selling it to the butcher to be slaughtered?—Certainly not, unless he was aware that from the character of the disease the flesh would become tainted and unfit for human food; but I believe it is the opinion of veterinary surgeons that the flesh of animals labouring under pleuro-pneumonia is not.

668. Mr. *Ball.*] It has been understood from all the evidence which we have heard that people are to be allowed to sell diseased animals to be slaughtered?—So I understand.

669. Do you think that, instead of increasing litigation, as Sir John Shelley supposes, the knowledge that there would be a competent inspector would prevent diseased animals from being sold?—I have already stated that after an inspector was appointed in the Norwich Market, there were only two cases of penalties being inflicted.

670. Hence it would be the means of preventing litigation, instead of increasing it?—Yes.

671. Sir *John Shelley.*] Did not the disease known as small-pox disappear almost as rapidly as it appeared?—It prevailed about two years after the passing of the Act; and the inspector at Norwich, who is also inspector for one of the largest cattle insurance companies in the kingdom, told me that he attributed the speedy disappearance of the disease to the passing of the Act of Parliament which we have mentioned. There are four cattle insurance companies in England; I do not know what others there may be in Ireland or Scotland, but there are four in England; and they all demand increased rates of insurance where pleuro-pneumonia is in the district, and in the north-east of Norfolk the Agricultural Insurance Office, I am informed, refuses to take insurances from the district, because of the great prevalence of the disease, showing their opinion that the disease is contagious.

672. Mr. *De Vere.*] May it not show they are of opinion that it is an epidemic disease as well as a contagious disease?—It may be.

673. Mr. *Caird.*] Do you not think it would be a very difficult thing to say, that a man knew his animal was diseased?—Yes, but he would not be answerable for that difficulty. It is only when you bring home the knowledge that the Bill imposes a penalty.

674. Do you not think that the difficulty will be so great, as to make it impossible to fix him with knowledge?—No; I will give you a case that stands for trial on Saturday. A client of mine bought two diseased beasts at Norwich; when he bought them, he asked the dealer for his name. The dealer gave him a false name. He asked him whence the beasts came; he told him they came from Bury St. Edmunds. It was proved the following week that they came from a neighbourhood close to Norwich; and on the following Saturday two of those diseased

diseased beasts were exhibited by the same man, and the same name and residence was not given.

675. You have heard the evidence given to day, that it is difficult, if not impossible, to ascertain, at the first origin of the disease, whether the animal is affected or not?—Yes.

676. Then do you not see that it is almost impossible to prevent the spread of the disease by any measure, inasmuch as a man might *bonâ fide* sell the animal without knowing it was affected?—Yes; but you, or any other gentleman acting as a justice of the peace, would not convict unless you could bring home the knowledge.

677. But the disease might be equally spread, although you did not get a conviction?—Not equally spread, because it would only be in those virulent cases that you would bring it home to him. If a man had 12 bullocks, and six out of the 12 had died at home, and the other six he sent to market, you would presume that he knowingly sent diseased cattle to market.

678. *Chairman.*] I think you state, that as far as you could acquire information on the subject, the disappearance of small-pox in sheep was attributed to the operation of that Act?—Yes; Mr. Smith is of that opinion.

679. That the precautions taken under that Act got rid of the disorder altogether?—Yes.

680. And I observe there is a rule in the Norfolk Farmers' Cattle Insurance Company, that "when pleuro-pneumonia is within three miles of the stock proposed, or has been on the premises within four months, an additional premium will be charged"?—Yes. There is another provision in their policy, by which the insurance is void, unless the new stock bought are kept for 21 days separate from the old cattle.

681. Sir *John Shelley.*] Do the farmers generally insure largely in that neighbourhood?—I think, in the Norwich Cattle Insurance, there is something like 10,000 beasts insured.

682. And any amount of sheep?—Yes.

683. Then, notwithstanding that proviso in their rules with reference to pleuro-pneumonia, the insurance of cattle has increased, and not decreased, within the last year?—I think that is hardly a fair question.

684. I will put it in this way. When was that rule made in that cattle insurance company?—When the insurance office was established; I think in 1842.

685. Was that rule in at that time?—Yes, I believe it was.

686. Was pleuro-pneumonia in this country in 1842?—I have here the rules and regulations of a farmers' club at Aylesbury, directed exclusively against pleuro-pneumonia, and these are dated in 1843.

687. Do I understand you that that clause, which has been read by the Chairman, was in that cattle insurance company's prospectus in 1842?—I will not undertake to say that, but, as long as I remember the society, that has been part of the regulations. My attention was not perhaps called to the society as early as that.

688. This was established in 1849?—That was amalgamated with another society; it was at first the Norfolk Hail Storm Insurance Society, and I may have confused the dates of their establishment and amalgamation.

689. You cannot say when this clause was inserted in the rules?—I cannot.

690. I wanted to know whether, since it has been put in, the insurance of cattle has decreased or increased?—The answer I would give to that is, that it is hardly a fair question to ask, because the cattle insurance companies only date from so recent a period, that the knowledge of the power to insure cattle has only recently developed itself amongst farmers. I dare say the insurances have increased, and the fact that three other societies having sprung up since the establishment of that at Norwich would lead you to suppose that it is so.

691. *Chairman.*] Then I understand you to say that the insurance companies now require a quarantine to be established before they will undertake an insurance?—Yes; in the Norfolk Farmers' Cattle Insurance Society there is this condition, "that all newly-purchased stock of the class already insured shall be forthwith proposed for insurance, and so far as possible kept apart from the others for 21 days."

692. Sir *John Shelley.*] Has that had any effect in checking the insurance of cattle?—I should think not, from the other cause I have mentioned; I have no

Mr. *W. Drake.*
23 June 1857.

doubt that the insurance of cattle is going on rapidly. If you ask me the question without reference to the insurance company, I do not think it would be so, because I believe that every prudent farmer who buys cattle would keep them separate from his own cattle, and it was only to guard against negligence.

693. *Chairman.*] Did you ever have any case come under your knowledge professionally arising from disorder by the importation of foreign cattle?—No.

Mr. *Joshua Freeman*, recalled; and Examined.

Mr. *J. Freeman.*

694. Mr. *Gurdon.*] YOU had a great loss at the time of the small-pox in 1848?—Yes.

695. Will you tell the Committee how long it lasted, and the precautions which you took?—In the summer of 1848 I purchased some sheep, what we term in the wool, that is, before shearing; I turned them in with my flock, the breeding ewes; unfortunately they had the small-pox, which I was not aware of.

696. Sir *John Shelley.*] Where did you buy those sheep?—In Lynn.

697. Were they foreign sheep or English?—English sheep.

698. Short wool, or long?—Short wool; I scarcely ever heard of small-pox; certainly, I had not seen it.

699. What was the result of putting them with the flock?—It was unfortunately just before the shearing; they were mixed with the other ewes and sheared, and the shears operated as an inoculation.

700. How long did that remain in your flock?—That remained three months.

701. At the end, then, of three months it disappeared?—The worst part of the business was I went on inoculating; I saw the writings of Mr. Stanley Carr and Professor Symonds, and I inoculated, and I confess it was a complete failure.

702. How long did you suffer from the disease?—About three months.

703. Did you destroy the animals?—The animals that were very bad I buried in the skins; but I separated them as soon as I found out the disease; I had the flock particularly and narrowly watched, and I separated the diseased animals.

704. Can you state whether the small-pox disappeared soon, or was there any instance of its existing for two or three years?—It disappeared in our neighbourhood before Christmas.

705. Did you hear of it on the Norwich Hill?—One person had it in his flock.

706. If evidence had been given that it lasted for three years afterwards, do you think that is correct?—I think if it did it was through negligence.

707. Do you know whether it did?—I cannot speak to other districts.

708. Mr. *Gurdon.*] Generally speaking, in 1849, the year after, you heard little of it?—I did not.

709. Sir *John Shelley.*] As far as your own knowledge goes, and from what you heard, you believe that within a year the disease disappeared?—It did in our neighbourhood.

710. Mr. *Ball.*] You do not mean to say that within so many months the disease disappeared, only that you were not privy to any outbreak of it?—Exactly.

711. Sir *John Shelley.*] As far as you know, the disease disappeared in your neighbourhood within a year?—Yes; if we had inoculated and gone on to do what we were recommended, we should have had it as long as we lived.

Mr. *John Law Hackett*, called in; and Examined.

Mr. *J. L. Hackett.*

712. Lord *Naas.*] WHERE do you reside?—In the county of Roscommon.

713. How much land do you hold?—About 2,500 statute acres.

714. Have you had much experience in pleuro-pneumonia?—Not very much, but I have had some.

715. Do you consider it to be infectious?—I do not think it is in the early stage; in the incipient state.

716. Have you considered the proposed Bill and the penalty?—Yes.

717. What do you think the effect of that Bill would be?—I think it would be a hardship on the owners of cattle to be compelled to hold a beast nearly fit for market till it either lost its condition from sickness or till it died. The meat is not generally considered unwholesome, and the loss is very inconsiderable if sold in the early stage, which is the best way of managing.

718. Do

718. Do you think the provisions of this Bill are calculated to prevent the spread of pleuro-pneumonia in your country?—I think the law in its present state is sufficient.

719. Did you hear the evidence given by the last witness?—I did.

720. Do you agree with the statement which he has made as to the law?—I do not know about the English law; the Irish law is different.

721. Have you had any experience of it?—I will tell the Committee candidly that I had a sick or ailing beast which I sold by an agent or salesman; I sent it to be sold, and it was sold. The party who bought it traced it to me and sued me, and I was obliged to pay him.

722. What did you pay him?—The value of the beast.

723. So that the law as it at present stands is sufficient to prevent persons from knowingly exposing a beast with an infectious disorder in a public market?—Yes, but you may assist by an engagement.

724. Sir *John Shelley.*] By a warranty?—Yes. It is common in Ireland to ask a party selling for an engagement, because if he engages that the cattle you are buying have not come from a distempered herd or distempered land, and that they get sick, you can sue him. It is not unusual to say they are and have been free from distemper, and are not from distempered land, and I will engage the cattle for a limited time; but the time is very short, because there is no knowing when the disease may break out.

725. Lord *Naas.*] Where was the action brought; in the assistant barrister's court?—Yes.

726. Then the remedy in a similar case is easy?—Yes, now the jurisdiction is up to 40*l.*

727. *Chairman.*] What was the disorder in the case you referred to?—I declare I do not recollect what was the disorder. It was not the pleuro-pneumonia, but I know it was proved against me that I sold an unsound beast.

728. There was no penalty in the case further than the value of the animal?—No, the man recovered the money he paid me.

729. Do you think that there should be no penalty leviable on a man who sells an unsound beast?—I think the law is sufficient in Ireland for making him liable for so doing.

730. Do you think that if a man knowingly sold an unsound beast it would be a hardship on him if by law he was liable to a penalty?—I think that if a man sells an unsound beast knowingly, he ought to be made liable.

731. By penalty?—Not by penalty, as you propose. Your proposed Bill will be abused.

732. You think there ought not to be any penalty for wilfully selling an unsound beast?—I think there is a remedy as the law at present stands, because if a man sells an unsound beast you can recover the value from him, and if you can show that another beast has taken the infection, which it is difficult to show, you would recover damages for that too.

733. Do you not think that a man who wilfully does that which may lead to great mischief and loss to his neighbour, ought, in addition to the loss of value, to be subject to a penalty?—I do not think he should be subject to a penalty as you propose; he is liable in action, and you may get damages.

734. Mr. *De Vere.*] Are you not aware that the law will not only give as against the seller the value of the beast, but any consequential damage that may arise to the buyer from having bought an unsound beast?—Yes, I think it would. I have already said so; that is the proper remedy.

735. For instance, the loss of his grass for a certain time?—Yes; the court would take that into consideration.

736. *Chairman.*] Then, do you think it is no offence against the law to sell an unsound beast, knowing it to be unsound?—Yes; and the law gives you a remedy.

737. Not in the shape of a penalty?—Not by penalty as you propose, but in the way I mention.

738. Do you think it would be a hardship on such a man to be liable to a fine?—Yes; because you prevent a man disposing of his property; and he may not for certain know it is in an unsound state.

739. I understand you to say that if a man who wilfully sold an unsound beast was liable to a penalty, it would be a hardship upon a man who sold a beast in ignorance of its being unsound?—I do not know that many would

Mr. *J. L. Hackett*

23 June 1857.

sell a beast in ignorance. Every man holding cattle must know when a beast is ill. If a man has a beast that is suspicious, and sends it to market, your penalty would be a hardship on him.

740. You think it would be a hardship on him to impose a penalty for his running the risk of spreading contagious and infectious diseases?—I do not consider it is infectious at the commencement; it may at the latter end, and you force a man to keep over till then.

741. Then you think it ought to be at the option of everybody wilfully to sell an unsound beast?—I think the law is sufficient. Deal with solvent parties, and get an engagement.

742. And that the penalty would be a hardship?—An extreme hardship.

743. Even where the animal was sold by a man knowing it to be unsound?—Suppose you appoint an inspector, if he saw a beast he thought was ill he will seize the beast. There is a gentleman here, an extensive salesman, who will tell you that within a week he sold two beasts in London market, one he suspected to be ill, and the other he thought was sound. It afterwards turned out that the one which he suspected was sick was a sound beast, and the one that he thought was sound was unsound.

744. I was speaking of persons who sold beasts knowing them to be unsound?—The witness is in the room who sold those two beasts lately. The beast that he thought sound was unsound, and the beast that he thought sick was sound.

745. Lord *Naas.*] You think that the remedy by civil action is sufficient?—Yes; quite sufficient.

746. And that the difficulties attending a criminal proceeding would be so great, that it would be difficult to work the Act?—Yes; it could not be done.

747. You would have a staff of inspectors and persons of that kind that it would be difficult to organise?—It would be almost impossible, if not altogether.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

SHEEP, &c. CONTAGIOUS DISEASES PREVENTION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
26 *June* 1857.

[*Price* 7*d.*]

129—Sess. 2.

Under 8 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

WESTMINSTER BRIDGE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons. *to be Printed,*
6 *August* 1857.

246—Sess. 2.

Veneris, 17° *die Julii*, 1857.

Ordered, That a Select Committee be appointed to consider the state of Westminster Bridge, and the course to be taken in relation to the Works which have been suspended.

Lunæ, 20° *die Julii*, 1857.

Committee nominated of,—

Sir Benjamin Hall.	Mr. Tite.
Mr. Henley.	Sir William Jolliffe.
Mr. Bramston.	Mr. Jackson.
Colonel Boldero.	Sir John Shelley.
Mr. Ker Seymer.	

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Three be the Quorum of the Committee.

Jovis, 6° *die Augusti*, 1857.

Ordered, That the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed "to consider the State of WESTMINSTER BRIDGE, and the course to be taken in relation to the Works which have been Suspended," and who were empowered to report their Observations, together with MINUTES OF EVIDENCE, to the House,—— HAVE considered the matters to them referred, and have agreed to the following REPORT:

THAT having been informed by the First Commissioner of Works, that after considering the Report of the Judges appointed to report on the Designs for the New Public Offices and the Block Plan, and taking into account the great expense that would be incurred if the Site of Westminster Bridge was changed, it is not his intention to recommend that the Site of Westminster Bridge should be altered,—the Committee proceeded to consider the present state of the existing Bridge, and the alterations proposed to be made in the new Bridge to meet the objections which have been taken for the mode of construction as originally proposed.

The Committee learn that the precautions taken for securing the old Bridge have been complete, and they recommend that the new Bridge be proceeded with in conformity with the alterations in the mode of construction, as set forth in Mr. Page's letter, addressed to the First Commissioner, and dated 23 July 1857.

The Committee have also carefully considered the important question of the Headway of the Bridge, and in connexion with that subject the gradient of the Roadway as now proposed, and the gradient which would be consequent upon raising the Bridge. The Committee find that according to the plan now proposed, the Roadway on the Surrey side would be 1 in 45, and if the Bridge was raised from 20 to 22, the gradient would be 1 in 27. The Committee also find that on the Middlesex side the gradient, as at present designed, would be 1 in 57, and if the Bridge was raised the gradient would be 1 in 45.

The Committee are therefore of opinion, that it would not be expedient to increase the height of the Bridge.

6 *August* 1857.

PROCEEDINGS OF THE COMMITTEE.

Martis, 28° *die Julii*, 1857.

MEMBERS PRESENT:

Sir Benjamin Hall.	Mr. Jackson.
Sir William Jolliffe.	Mr. Tite.
Mr. Henley.	

Sir BENJAMIN HALL called to the Chair.

The Committee deliberated.

Mr. *James Simpson*, examined.

[Adjourned till Thursday, August 6th, at One o'clock.

Jovis, 6° *die Augusti*, 1857.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Jackson.	Sir William Jolliffe.
Mr. Tite.	Colonel Boldero.

Mr. *R. Stephenson*, C.E., and Mr. *T. Page*, C.E., examined.

Room cleared and Committee deliberated.

Proposed Report read and agreed to.

Ordered, to Report, together with Minutes of Evidence.

LIST OF WITNESSES.

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Robert Stephenson, Esq., M.P. - - - - - - - p. 9
Thomas Page, Esq. - - - - - - - - - p. 10

MINUTES OF EVIDENCE.

Martis, 28° *die Julii*, 1857.

MEMBERS PRESENT.

Sir Benjamin Hall, Bart.	Mr. Jackson.
Sir William Jolliffe, Bart.	Mr. Tite.
Mr. Henley.	

SIR BENJAMIN HALL, BART., IN THE CHAIR.

THE following document was put in and read, and ordered to be inserted on the Minutes :— 28 July 1857.

Sir, Office of Works, &c., 9 July 1857.

I AM directed by the First Commissioner of Her Majesty's Works, &c., to call your attention to the following passages in the Report of the Select Committee of 1856 upon Westminster Bridge: "The Report of the Select Committee on Public Offices, presented to the House during the sitting of this Committee, contemplating extensive changes in the immediate neighbourhood and approaches to Westminster Bridge, has been brought to the notice of this Committee. Your Committee are of opinion that, subject to the consideration of professional advice to be obtained by the First Commissioner of Works, as to the security of the old bridge, the further progress of the works of the new Westminster Bridge should remain suspended until the Government have had an opportunity of considering and deciding on the advice to be offered to Parliament upon this last subject, when the site of the new bridge might be reconsidered in connexion with any general plan of alteration and improvement of the neighbourhood, as well as the all-important subject of the headway under the bridge."

A commission was lately appointed to consider various designs for laying out the ground between Downing-street and the back of Richmond Terrace on the north, Great George-street and Westminster Hall on the south, and the Thames on the east, and St. James's Park on the west; and which commission made their selection of designs and made a report thereon to the First Commissioner a few days ago.

The time has therefore arrived contemplated by the Committee, when the various circumstances in relation to Westminster Bridge, both as regards its site and structure, should be considered.

There were several points brought before the Committee which deserve especial attention.

Objections were taken and differences of opinion were expressed, as to the structure of the piers, and especially as to the fact that the upper portions of the wooden piles would be left above low water-mark; as to the mode of building the bridge in two separate parts; as to the effect of the scour of the river upon the foundations of the piers; as to the height of the bridge; and as to the arched ribs proposed to be carried above the roadway, &c.

The First Commissioner requests that you will report to him as accurately as you can upon the following points :—

1st. The cost of lowering the piers already commenced to such a level as will place the heads of the wooden piles 15 or 18 inches below low water-mark.

2dly. The cost of piers to be formed of granite, to be erected upon the substructure of wooden piles so lowered.

3dly. In what way you propose to build the two halves of the bridge, so as to avoid a settlement; or in case of settlement of one of the halves, in what way you propose to avoid the possibility of consequences that might ensue from such a settlement.

4thly. As your attention has doubtless been directed to Captain Burstal's report upon the the state of the river, from which it appears that he apprehends the possibility of the scour continuing, whether you have fully considered the nature of the proposed foundations of the new bridge, and what alterations, if any, you would suggest.

28 July 1857.

5thly. It may be desirable to increase the height of the bridge from 20 feet to 22 feet, the height of Chelsea Bridge. The First Commissioner therefore desires that you will prepare plans showing how you would work out the gradients at each end of the bridge, so as to avoid all damage to private property.

6thly. In your original design it was proposed to carry arched ribs above the roadway; this was much objected to. The First Commissioner desires to know what you propose to do on this point, and

7thly. What provision you propose to make so as to allow of expansion.

The First Commissioner requests that you will, with as little delay as possible, furnish him with an estimate for the completion of the works, including the changes which, after full consideration of the whole subject, you may deem desirable, and which you will of course set forth in your report. In preparing your estimate you "will have regard also to such modifications and alterations as were suggested by the witnesses" before the Committee, and to the points to which I have called your attention in this letter.

The First Commissioner also requests that the estimate may be so framed as to include all expenses of every sort and kind whatsoever, including the engineer's commission, and all items which are usually brought under the head of incidental expenses. It is also requested by him that you will state how soon after the recommencement of the works the bridge will be open to traffic, supposing it should be determined that the work be proceeded with.

I am, &c.,

Thomas Page, Esq. (signed) *Alfred Austin*, Secretary.

Sir, Whitehall Yard, 23 July 1857.

I HAVE the honour to acknowledge the receipt of your letter of the 9th instant, on the subject of the new Westminster Bridge, with the quotations from the Report of the Select Committee of the House of Commons, 1856, and references to the several points brought before that Committee, which the First Commissioner considers deserve special attention, and upon which are based the following questions in your letter, on which I have the honour to report.

1st. "The cost of lowering the piers already commenced to such a level as will place the heads of the timber piles 15 or 18 inches below low water-mark."

The works comprised in this question consist of cutting down the timber bearing piles (already driven) to the level of 19 ft. 6 in. below Trinity datum, or 18 inches below low water springs, cutting down the granite facing, and refixing the iron ties. The expense of this in the piers and abutments already commenced would amount to the sum of 1,980 *l.*

2d. "The cost of piers to be formed of granite to be erected on the substructure of timber piles so lowered."

In answer to this I conclude that it refers to the new granite bases of the piers, rendered necessary by lowering the timber piles, and which would be placed as shown on the drawing No. 1, with the requisite filling of stone-work and brick-work over the piles; the expense of which, in the piers, &c., already executed, would amount to 922 *l.* The expense of this arrangement in the other piers and abutments throughout the entire bridge I estimate at 4,436 *l.* I leave the piers above these courses as in the former drawings, taking them as brickwork faced with granite blocks, and with granite through-stones.

3rd. "In what way I propose to build the two halves of the bridge so as to avoid a settlement; or, in case of a settlement of one of the halves, in what way I propose to avoid the possibility of consequences that might ensue from such a settlement."

On this subject I refer to the diagram No. 2, showing the foundations in progress and part of the superstructure. By this it will be seen that not only do the arched ribs of that part of the bridge to be first opened rest on the first division of the foundations, but the first rib of the second half of the bridge will also bear on the same foundations, which have abundant resistance against considerably greater pressure than the bridge and its load. In case, however, there should be a settlement, or any difference of settlement between the two parts, the arched ribs of the bridge would not be affected, as the wrought-iron bearers between the ribs which carry the roadway-plates would accommodate themselves to any irregularity of settlement, by the bolt holes being slotted or elongated, so as to allow for a rise or fall of these bearers. This is shown by Fig. 2, Drawing No. 2, on which one of the bearers is supposed to have a settlement of an inch, which is provided for in the elongation of the bolt holes, allowing the bearer to rest on the flange of the arched rib supposed to have settled.

4th. "As my attention has doubtless been directed to Capt. Burstal's report upon the state of the river, from which it appears that he apprehends the possibility of the scour continuing, whether I have fully considered the nature of the proposed foundations of the new bridge, and what alterations, if any, I would suggest."

The right understanding of this part of the subject is so important that I must put together some comparative data for the information of the First Commissioner. The soundings made by Capt. Burstal in 1856 will form a valuable register of the depths of the river at the time they were taken; but the conclusions deduced from them, that the river has been subject to a violent scour, which has deepened it in parts 10, 12, 13, and 14 feet, have been arrived at without consideration of circumstances which should have entered into the question. Amongst these is the extent of dredging to which the river has been subject during many years, and which from information I have obtained as to the quanti-

ties

ties of material taken up by dredging engines and barges cannot be estimated at less than 1,500,000 cubic yards during the last 14 years, which would cause an increased depth of three feet over a low-water width of the river of 600 feet across and above four miles long.

Without basing a calculation on this quantity, it is evident that the irregular increased depth in many places in the sections made by Capt. Burstal in 1856, over those made by Mr. Giles, for Mr. Telford, in 1823, are due to dredging and not to scour; whereas in the report the difference is attributed altogether to the scour, and this difference being taken as the result of the action of the river during the last 23 years, since the removal of London Bridge, it is assumed that the rate of scour will continue.

An intermediate link between these two sets of soundings of 1823 and 1856, is however afforded by the survey and soundings of the river between Battersea Bridge and Blackwall, made under my directions for her Majesty's Commissioners of Metropolitan Improvements in 1843 and 1844, when transverse sections were made on all the lines sounded by Mr. Giles for Mr. Telford in 1823, between Battersea Bridge and London Bridge, and also on the lines between London Bridge and Blackwall surveyed by Capt. Shields for Mr. Vaughan in 1799, making together 45 transverse and longitudinal sections of the river, and nine sections at the bridges.

Comparing these soundings of 1853 with those of 1856, between Vauxhall Bridge and Hungerford, I find no general increase of depth, or of sectional area, between these points during the last 13 years, notwithstanding that dredging has been carried on in this locality, and that at Westminster Bridge 10,000 yards were removed for facilitating the navigation in 1855.

With regard to the soundings at Westminster Bridge itself, I think it will be interesting to the First Commissioner to see the comparison of the soundings made by Mr. Telford in 1823 and 1829, by Sir W. Cubitt in 1835, by Mr. Walker in 1837, by myself in 1843 and 1853, and by Captain Burstal in 1856, all of which are given in the drawing, No. 4,* distinguished by lines and colours, and drawn to an enlarged vertical scale, in Figure 2.

A comparison of these sections will show the changes which have actually taken place at Westminster Bridge, and the result is, that the sectional area of the river at Westminster, below an 18-feet tide, was, according to my soundings in 1843, 3,543 feet, and by Captain Burstal's soundings in 1856, 3,395 feet; and that taking the average of the depths of those soundings in 1843, they were two inches more than those in 1856, a period of 13 years.

Again, comparing the deepest soundings between Vauxhall Bridge and London Bridge, taken in 1823, 1843, and 1856, as in the subjoined list, it will be seen that the river has not increased in depth in the deep-water soundings since 1843, those being deeper than the soundings of 1856.

COMPARISONS of Deepest Soundings on Mr. *Giles'*, Mr. *Page's*, and Captain *Burstal's* Sections on the same Transverse Lines.

	Mr. Giles. 1823.	Mr. Page. 1843.	Captain Burstal. 1856.
Vauxhall Bridge:			
No. 1 section - - - - -	21· 8	30· 0	28· 6
2 „ opposite Penitentiary -	31· 3	30· 0	31· 6
3 „ - - - - -	30· 2	30· 3	29· 0
4 „ Horseferry - - -	25· 8	27· 9	25· 6
5 „ - - - - -	28· 0	31·11	28· 3
6 „ - - - - -	25· 3	28· 4	26· 9
7 „ - - - - -	22· 0	26· 7	25· 5
Westminster Bridge:			
No. 1 section, Richmond-terrace -	19·10	28· 2	26· 1
2 „ Whitehall-stairs - -	27· 3	31· 3	31· 4
Hungerford Bridge - - - - - - -	21· 7	30· 6	29· 6
No. 1, Adelphi-terrace - - -	21· 6	27· 6	25· 6
Waterloo Bridge - - - - - - -	23· 6	25· 3	25· 1
Norfolk-street - - - - -	21· 4	32· 8	33· 4
West-end of Temple - - - -	21· 9	31· 6	27·10
East-end of Temple - - - -	22·10	30· 0	28· 6
Blackfriars Bridge - - - -	22· 3	26· 7	27· 1
Puddle Dock. - - - - -	21· 4	28·10	30· 0
——— - - - - -	27· 8	34· 2	33· 0
Southwark Bridge - - - - - - -	30· 3	30· 6	31· 0
——— - - - - - - -	28· 2	31·10	30·11
London Bridge - - - - - - -	30· 1	29· 7	29·10

To

* On this diagram, Hawksmoor's soundings at the Horseferry in 1736, are also shown by the line *a. b.* fig. 1.

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To avoid misconception as to the nature of the bed of the river at this place, it is proper to add, that in some parts where the dredging at Westminster Bridge was done, the holes silted up with black deposit, which has been reported by Captain Burstal as peat. Should any substance of this kind have been found in that deposit it should not be received as evidence of the nature of the substratum, which is stiff clay underlying the gravel, the borings in which have been carried to a depth of 40 feet.

The various tidal observations, and letters laid by me before the Commissioners of Metropolitan Improvements in 1853 show, that I contemplated a gradual increasing depth in the upper parts of the river above London Bridge, the result of the increasing action of the tide; which in the course of ages would assimilate the above-bridge sections in a ratio to those of the pool, and eventually, unless stopped by measures for protecting the bridges, give a depth of 29 feet below Trinity datum in the mid-channel at Westminster Bridge. Consistently with this deduction I provided in the contract drawings for dredging under the middle arches to a depth of 30 feet below Trinity datum. No circumstance has subsequently arisen to induce me to make any further provision against the scour than those contained in the drawings, in which the iron sheet paling is carried down to 38 feet below Trinity datum, and at the piers there would be 15 feet of ground above the points of the piles.

5th. "It may be desirable to increase the height of the bridge from 20 to 22 feet, the height of Chelsea Bridge; the First Commissioner, therefore, desires that I will prepare plans showing how I would work out the gradients at each end of the bridge, so as to avoid all damage to private property."

In accordance with this instruction, I have prepared the Section No. 5, on which are shown the arches of the bridges and the line of roadway according to the approved design. In the approaches the ultimate gradient is taken on the Middlesex side at 1 in 57, and on the Surrey side at 1 in 54. To obtain 1 in 57 on the Middlesex side beyond the space on the south side of Bridge-street, when cleared of the houses, the present roadway would have to be raised from Cannon-street to the bridge-foot on an average six inches, which could be effected without injury to the property on the north side; and to obtain 1 in 54, the Surrey side would have to be raised on an average 2 ft. 3 in., between the bridge-foot and the Belvidere-road. Stangate would be raised 2 ft. 3 in. and the carriage way would be formed above the level of the footpaths. But by raising Stangate one foot without injury to property, a gradient could be obtained on the Surrey side of 1 in 45, and the roadway on the site of the houses to be removed on the south side of the street could be curved into the gutter on the north side, without altering the footpaths as shown on cross-section No. 6. Fig. 3.

The two gradients of 1 in 57 on the Middlesex side, and 1 in 45 on the Surrey side, would thus be obtained without injury to private property.

If the headway of the bridge be raised 22 feet above Trinity high water-mark, the gradients on the Middlesex side (raising Bridge-street six inches) would be 1 in 40, and on the Surrey side (raising the bridge-foot 18 inches) 1 in 31. If the headway of the bridge were raised to 21 feet above Trinity datum, the gradient of the Middlesex side would be 1 in 45, and on the Surrey side 1 in 40. (*See* drawing No. 6.)

With regard to the headway, it may be stated that the low levels of the approaches, the importance of easy gradients, and the effect of a bridge on the Houses of Parliament, render the lowest headway, consistent with the wants of the navigation, most desirable.

The practice of the lightermen in passing under the arches of the old bridge may be judged by the subjoined table in the Appendix, which contains an account of all the sailing barges and billy-boys which passed under the bridge in the month of June last, night and day, the abstract of which is as follows:—

92	Sailing vessels	passed	under	No. 3	arch,	having a headway of	18·8½ above T. D.
71	„	„		5	„	„	21·4½ „
936	„	„		6	„	„	24·0 „
1250	„	„		10	„	„	20·0 „
1	„	„		12	„	„	16·8 „

During this month of June, therefore, the greatest number of sailing vessels passed under the arch with the 20 feet headway.

6th. "In my original design it was proposed to carry arched ribs above the roadway; this was much objected to. The First Commissioner desires to know what I propose to do on this point."

On further examination of the effect of these ribs, and the space gained for the roadway by omitting them, I substituted in their places, when the working drawings were in progress, the ordinary arched ribs of the bridge, and thereby also effected a saving of expense.

7th. "What provision I propose to make, so as to allow of expansion."

Supposing a difference of 60 degrees of temperature, the rise of the outer rib of the centre arch would not be more than half an inch above the mean line, and the fall half an inch below it, and this rise and fall would be very gradual. I propose, however, to coat the external arches of the bridge with a non-conductor, the effect of which would be to limit their range of rise and fall.

To allow of the more easy rise of the arch, Mr. Stephenson suggested cutting part of the angle iron of the upper flange of the wrought iron ribs and inserting a wedge, an expedient which can be easily adopted.

Lastly. On the subject of the estimate for the works, and the changes which after full consideration of the whole subject I may deem desirable, I would observe that I do not see

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that any further change would be beneficial beyond lowering the level of the tops of the timber-piles, as shown in the accompanying section, which would prevent the low water of spring tides at Westminster Bridge being below the piles, should the river in course of time* attain the depth which has been anticipated.

A diagram showing the rise and fall of tides at Westminster Bridge, with the lines of the pile heads in the contract, and that proposed, is attached to the report.

Having gone through the quantities and prices for the estimate, and made allowances for increased expenses consequent on the stoppage of the works, I estimate that a sum of 206,000 *l.* will be required for removing the old bridge and completing the new bridge from the date of the works being recommenced by a contractor, and that the sale of the plant, &c., after its use for the works, will realise 11,000.

The time required to complete the first portion of the bridge, I estimate at a year from the recommencement, and that two years will be required for removing the old bridge and completing the new bridge from the time of opening the first portion.

Regarding the completion of that part of the bridge to be first opened to the public, it would be a saving of time and expense if the work were done under my direction, without a contractor, most of the materials being already on the ground.

This work, which I estimate at 12,500 *l.*, could forthwith be proceeded with while a contract was being obtained for the remainder of the work.

I have, &c.,

Alfred Austin, Esq. (signed) *Thomas Page.*

* On the subject of the progressive lowering of the river's bed, see my third letter to the Earl of Lincoln (Duke of Newcastle), in Appendix to Report of her Majesty's Commissioners for Metropolitan Improvements, 1844, p. 223.

NEW WESTMINSTER BRIDGE WORKS.

STATEMENT of Billy-boys and Sailing Barges, shown as passing through Westminster Bridge.

1857:	Under No. 3 Arch.				Under No. 5 Arch.				Under No. 6 Arch.				Under No. 10 Arch.				Under No. 12 Arch.				Total Number.			
	Loaded Billy-boys.	Light Billy-boys.	Loaded Sailing Barges.	Light Sailing Barges.	Loaded Billy-boys.	Light Billy-boys.	Loaded Sailing Barges.	Light Sailing Barges.	Loaded Billy-boys.	Light Billy-boys.	Loaded Sailing Barges.	Light Sailing Barges.	Loaded Billy boys.	Light Billy-boys.	Loaded Sailing Barges.	Light Sailing Barges.	Loaded Billy-boys.	Light Billy-boys.	Loaded Sailing Barges.	Light Sailing Barges.	Loaded Billy-boys.	Light Billy-boys.	Loaded Sailing Barges.	Light Sailing Barges.
June 1	–	–	–	–	–	–	–	1	1	1	13	9	–	–	15	9	–	–	–	–	1	1	28	19
2	–	–	1	1	–	–	–	–	–	–	7	4	–	–	10	24	–	–	–	–	–	–	18	29
3	–	–	1	–	–	1	1	–	–	–	10	6	–	–	21	10	–	–	–	–	–	1	33	16
4	–	–	–	–	–	–	2	1	–	1	21	8	–	1	31	16	–	–	–	–	–	2	54	25
5	–	4	3	–	–	–	2	1	1	1	25	21	1	1	42	33	–	–	–	–	2	6	72	55
6	–	9	1	1	1	–	3	–	–	–	21	10	–	2	32	20	–	–	–	–	1	11	57	31
7	–	1	–	–	–	–	1	–	1	–	14	14	–	–	32	21	–	–	–	–	1	1	47	35
8	–	–	1	–	–	–	2	–	–	–	10	9	–	–	10	5	–	–	–	–	–	–	23	14
9	–	–	–	1	–	–	–	–	–	–	16	20	–	–	19	11	–	–	–	–	–	–	35	32
10	2	–	1	–	–	–	2	1	5	8	19	17	2	1	29	25	–	–	–	–	9	9	51	43
11	–	–	1	–	–	–	1	1	–	–	14	14	–	–	32	6	–	–	–	–	–	–	48	21
12	1	–	5	1	–	1	3	–	–	1	23	14	–	1	28	14	–	–	–	–	1	3	59	29
13	–	–	1	1	–	–	1	1	–	2	25	11	–	–	9	5	–	–	–	–	–	2	36	18
14	–	–	1	–	–	–	2	1	1	1	23	6	1	–	17	5	–	–	–	–	2	1	43	12
15	–	–	1	1	–	–	4	–	–	–	17	12	–	1	19	5	–	–	–	–	–	1	41	28
16	–	1	8	1	–	–	7	1	–	–	31	18	–	–	34	3	–	–	–	–	–	1	80	23
17	–	–	4	2	–	–	4	6	–	–	30	30	–	–	39	32	–	–	–	–	–	–	73	70
18	–	–	2	1	–	–	1	–	1	–	26	11	1	–	15	5	–	–	–	–	2	–	44	17
19	–	–	2	–	–	–	–	–	1	–	11	8	–	–	16	6	–	–	–	–	1	–	29	14
20	–	–	2	–	–	–	2	2	–	–	18	8	–	–	30	15	–	–	–	–	–	–	52	25
21	–	–	1	1	–	–	1	1	1	–	26	9	–	–	21	25	–	–	–	–	1	–	49	36
22	–	–	1	1	–	–	–	–	–	–	14	10	–	–	22	16	–	–	–	–	–	–	37	27
23	–	2	2	–	–	–	1	–	–	–	10	5	–	–	14	7	–	–	–	–	–	2	27	12
24	–	–	2	–	–	–	–	1	1	2	23	11	–	–	30	26	–	–	–	–	1	2	55	38
25	–	–	3	1	–	–	3	–	–	–	24	8	–	–	15	17	–	–	–	–	–	–	45	26
26	–	–	–	1	–	–	–	–	–	1	26	19	–	–	27	23	–	–	–	–	–	1	53	43
27	1	–	2	–	1	2	–	–	–	1	17	9	–	–	13	15	–	–	1	–	2	3	32	24
28	–	–	2	1	–	–	–	–	1	1	13	3	–	–	7	8	–	–	–	–	1	1	22	12
29	–	–	–	1	–	–	1	–	2	–	6	9	1	–	17	5	–	–	–	–	3	–	24	15
30	–	–	2	5	–	–	2	1	–	–	19	15	1	–	16	21	–	–	–	–	1	–	39	42
Totals	4	17	50	21	2	4	46	19	16	20	552	348	7	7	653	443	–	–	1	–	29	48	1,306	831

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List of Drawings accompanying the Report.

No. 1. Section of piers showing timber piles cut off 19 ft. 6 in. below Trinity datum.

No. 2. Half elevation of pier showing junction of first half of the bridge with the second.

No. 3. Section of arched rib showing the effect of one of the ribs sinking one inch below the other.

No. 4. Diagram showing the variations in the depths of the river at Westminster Bridge between the years 1823 and 1856.

No. 5. Sectional diagram of the old and new Westminster Bridges, showing the inclination of the roadway to the bridge and approaches, as well as the inclination of the new bridge, if the headway is increased two feet.

No. 6. Diagram of gradients on an enlarged scale.

No. 7. Tidal diagram for Westminster Bridge.

Mr. *James Simpson*, called in; and Examined.

Mr. *J. Simpson.*

1. *Chairman.*] I believe you gave evidence before a Committee which sat on the state of Westminster Bridge in the last Session?—I did.

2. Previous to your giving that evidence you examined the old Westminster Bridge, and also the new structure then in the course of progress?—Yes.

3. Since the Committee sat last year, have you also examined the old Westminster Bridge?—Yes, several times.

4. Do you find that it is much in the same condition in which it was when the Committee sat last year?—No doubt it is much the same, because the screeds which were put up there remain nearly in the same state; there is one slight crack, but so slight that you can scarcely discern it.

5. Then, in point of fact, Westminster Bridge is in the same condition as it was last year?—As nearly as possible.

6. Upon the 9th of this month, I addressed a letter to Mr. Page, the engineer of the bridge, which has been put in this day; have you seen that letter?—Yes, I have.

7. It contains several questions in relation to the points which were urged before the Committee of 1856; have you read the answers which have been given to those questions?—Mr. Page read me the answers given to them.

8. Each point is put forward in a separate paragraph; there is one passage in the letter to this effect: "Objections were taken, and differences of opinion were expressed, as to the structure of the piers, and especially as to the fact that the upper portions of the wooden piles would be left above low-water mark; as to the mode of building the bridge in two separate parts; as to the effect of the scour of the river upon the foundations of the piers; as to the height of the bridge; and as to the arched ribs proposed to be carried above the roadway, &c.;" and then I require information upon the several points which are put forward in this letter?—Yes.

9. You are aware of the answers which have been given by Mr. Page?—Yes, I am.

10. Do you generally approve of the mode in which he proposes to meet the objections which were raised last year?—Yes; with regard to the large arched ribs, I think you will find that he proposes to omit them; they would have destroyed the uniformity of the structure, or its capability to support anything in a uniform manner; one would have held while the other would have given way. I think it was a defect in the original design; I believe he determined very early to abandon these large arched ribs.

11. One material point of objection was, that the piles were above low-water mark?—Yes, the wooden piles.

12. It is proposed now to cut them down, so that they shall be 15 or 18 inches below low-water mark; do you consider that sufficient?—Yes.

13. Another point was, that as the bridge is to be built in two parts, and in one of them there might be a settlement, what would be the best mode of bracing the two parts together, so that if there were a settlement the cast-iron ribs should not be broken by that settlement; do you approve of the mode in which he proposes to carry that out?—Yes; Mr. Page proposes to introduce braces of wrought iron, with slot holes; in reality they will have a means of motion; I think his idea is to rivet the whole of the covering plates, so that would also admit of some subsidence.

14. Mr. *Henley.*] In your judgment would that be sufficient to counteract any inequality of settlement?—I think it would. In the conversation that I had with

with him, as far as I could judge, I think he has provided for a settlement of about an inch.

15. Mr. *Tite.*] You do not think there would be a greater inequality of settlement than an inch?—I think not.

16. Sir *W. Jolliffe.*] Do you think the settlement would be a direct settlement, or that it might have a lateral inclination?—I think it is more probable that it would be direct; but if it does move laterally it will be very small.

17. You think it would not be affected by a lateral settlement?—I think not.

18. *Chairman.*] Another very material point of objection which was taken was this, there was no provision made to allow of expansion of the cast-iron work; the question I put to Mr. Page in the letter was this, "What provision do you propose to make so as to allow of expansion?" His answer is this, "Supposing a difference of 60 degrees of temperature, the rise of the outer rib of the centre arch would not be more than half-an-inch above the main line, and the fall half-an-inch below it, and this rise and fall would be very gradual. I propose, however, to coat the external arches of the bridge with a non-conductor, the effect of which would be to limit their range of rise and fall. To allow of the more easy rise of the arch, Mr. Stephenson suggested cutting part of the angle iron of the upper flange of the wrought-iron ribs, and inserting a wedge, an expedient which can be easily adopted." Do you approve of the mode of doing that?—Yes I do; I think that would accomplish it.

19. Mr. *Tite.*] The latter expedient you think would be better than the former?—I think so.

20. *Chairman.*] I believe Mr. Stephenson has also seen this report?—I believe he has; I was not present when Mr. Page showed it to him. Mr. Stephenson and myself met on the bridge, and we discussed the whole of these points, and we came to a conclusion as to what was best to be done; Mr. Page was to reduce the points into writing afterwards.

21. In this report, which has been presented by Mr. Page, you concur?—Yes.

22. And you believe Mr. Stephenson concurs also?—Yes.

23. Mr. *Henley.*] Was your attention called to the mode of increasing the headway under the bridge; did you go into that question?—Yes.

24. Without a plan one can scarcely understand at what part of the bridge Mr. Page proposes to have the greatest headway; whether the 22 feet is to apply to the centre arch merely, and what is to be the headway of the arches nearer the shore?—They of course will be lower; the 22 feet applies to the centre arch; the headway in Mr. Page's plan is only 20 feet.

25. Only to the centre arch?—Only to that.

26. You do not know in what proportion he intends to decrease the headway towards the shore?—No, I do not. I do not think there is any great variation from his original plan as regards that.

27. The height of the headway at Chelsea Bridge will be 22 feet, and it would be very desirable to secure that headway at Westminster Bridge. What I wanted to know was this, whether the 22 feet could not be obtained by lowering the side arches; has your attention been called to that at all?—The distance between the foot of the bridge and Bridge-street, on the one side, and Stangate on the other, is so short that you have no room to work upon.

28. Sir *W. Jolliffe.*] Do you think it would be possible, using the same iron ribs that are now proposed to be used, to increase the gradients of the bridge, as well as the approaches to the bridge?—Yes.

29. Would the castings that were used be the same?—It would all come up together; we could throw down the in-shore arches a little, then we must bring the roadway up to it; part of it must be done by means of the piers; a large portion of those are not cast yet. I think you are in very good time to make any alterations of that kind, if they are thought desirable.

30. Do you think a less headway than 22 feet should be had for the centre arch?—I never attached any very great importance to that; you will find that most of the steam boats navigate the side arches; they do not navigate the centre arch; I do not believe the side arches are cast; there might be some arrangement made to alter those, if necessary.

31. Mr. *Henley.*] Mr. Page in his report speaks of the difference of gradients, as regards the approaches, being something between 1 in 54 and 1 in 57?—Some-

Mr. *J. Simpson.*

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thing like that; I think one of his calculations showed a gradient of 1 in 37; that, if possible, ought to be avoided for such traffic as this.

32. Sir *W. Jolliffe.*] By increasing the gradient of the bridge itself, you would be able to decrease the gradients of the approaches to the bridge?—Yes, certainly.

33. Mr. *Henley.*] A gradient of 1 in 31 ought, if possible, to be avoided?—Certainly; heavily loaded carts and wagons get part of the way, and the horses are obliged to stop, which necessarily causes obstruction; such things should be avoided if possible; we had a very good gradient according to the original plan; 1 in 31 is a fearful gradient for metropolitan traffic.

34. If this plan is correct it is 400 feet from the centre of the bridge to this point, and if it were to rise 5 feet, that would be only 1 in 80, which would be a very good gradient?—I fear that is a much better gradient than you can get on this bridge; I think you will find that plan is not correctly drawn; if you can get 1 in 50 you willl do extremely well for a metropolitan bridge.

35. *Chairman.*] As the bridge is at present designed, it contemplate a headway of 20 feet?—Yes, above Trinity high water-mark in the centre arch.

36. Chelsea Bridge has a headway of 22 feet?—It has.

37. It has been desired by some persons that Westminster Bridge should have the same headway in the centre arch, at all events, as Chelsea Bridge; that would, of course, make the fall steeper from the centre of the bridge to the roadway on each side of the river; what do you consider would be a proper gradient for the great traffic that will pass over Westminster Bridge?—My opinion is that it should not be less than 1 in 50; if you can get 1 in 60 it would be much better, because steep gradients are such an interruption to traffic. Perhaps there is one view of the matter which has been scarcely sufficiently considered; taking the average, the tides are considerably below Trinity datum; they do not rise to Trinity. I have an account of the tides a little higher up the river taken for upwards of 20 years, showing the tides which have risen above Trinity datum, and they are comparatively small in number taking month after month.

38. Mr. *Henley.*] The gradient over the bridge, in your judgment, should not be less than 1 in 50?—Certainly not.

39. If it could be less than that it would be very desirable?—Extremely so.

40. Do you consider the two questions, of waterway for the traffic on the water, and a good gradient for the traffic over the bridge, of greater consequence than preserving a level line for the bridge itself for the purposes of the eye?—In comparison of the water traffic, the traffic over the bridge is far beyond it in importance.

41. And both together ought to be considered, in preference to the mere appearance of the bridge?—I should sacrifice a great deal to them.

42. You say the old bridge is in the same state as when you last inspected it?—Very nearly so; Mr. Page and his assistants have paid great attention to it; it has been watched carefully day after day.

43. But nothing has been done to it?—No; nothing but what the common men in attendance have done.

44. It shows no signs of tumbling down at present?—No, not lately.

45. Perhaps you would not think it necessary to build a new bridge at all?—You will see the old bridge has failed, and it has been propped up; it is necessary, therefore, that something should be done permanently; the timbers, shores, and struts will not last many years; they are decaying; they may go on for three years with attention, but they will require repairs from year to year.

Jovis, 6° *die Augusti*, 1857.

MEMBERS PRESENT:

Colonel Boldero.	Sir William Jolliffe.
Sir Benjamin Hall.	Mr. Tite.
Mr. Jackson.	

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

THE following document was put in and read, and ordered to be inserted in the Minutes:—

Dear Sir Benjamin, Old Palace Yard, 31 July 1857. 6 August 1857.

As Chairman of the Westminster Bridge Committee, I conceive it to be my duty to acquaint you, that in case it should be the determination of the Committee to recommend that the new bridge should remain in its present site, and be constructed in accordance with any modification of the design in part carried out, it would be of the greatest importance that no increased elevation should be given to the roadway. Any raising of it, however trifling, would not only seriously injure the effect of the New Palace at Westminster and the public offices, &c., proposed to be erected in the neighbourhood of that edifice, but would be a great disadvantage to the traffic over the bridge; whilst any trifling benefit that might acrue to the traffic under the bridge is, in my opinion, imaginary, or really of little or no importance, especially when considered with reference to the permanent æsthetic, as well as practical advantages, of a low roadway in connexion with the low shores of the river with which it unites.

I remain, &c.

Sir Benjamin Hall, M.P., &c. &c. &c. (signed) *Charles Barry.*

Robert Stephenson, Esq., a Member of the House, Examined.

46. *Chairman.*] WHEN the Committee upon this subject sat last year, you were good enough to give evidence before that Committee, upon the various questions which had been raised in regard to the mode of construction of the new bridge, and we are anxious now to have your opinions of the proposed alterations of the plan. Upon the 9th of July (last month) a letter was addressed to Mr. Page from the Office of Works, calling his attention to various suggestions that were made before the Committee of 1856, and the objections that were taken to certain parts of his plan; and on the 23d of July he replied to that letter; and we have it in evidence before the Committee that that letter was submitted to you. Do you concur in the alterations proposed by Mr. Page in that letter?—Yes, I do. I met Mr. Simpson upon the subject, and we discussed the alterations proposed, and agreed to Mr. Page's reply. I quite acquiesce in the suggestions there made. *R Stephenson*, Esq., M.P.

47. As to the headway of the bridge, Chelsea Bridge is now 22 feet, therefore it would be quite useless to make any bridge higher than that; the question is whether it would be advisable to keep Westminster Bridge at its present proposed height, which is 20 feet, or whether it would be better to increase the height of the bridge, taking of course into consideration the increased gradient of the roadway which would be necessary, supposing that the bridge was heightened?—I had a discussion with Mr. Simpson and Mr. Page the other day, and I had thought a good deal about it before, and I am certainly decidedly of opinion that the bridge ought to be kept as low as possible. The convenience or inconvenience is a comparison between two great thoroughfares. We have the traffic upon the river; but that is pretty well accommodated with 20 feet headway for all ordinary barges, and for the ordinary passage of steamers. They have to lower their masts under any circumstances, and whether they lower it two or three feet more or less, I do not think it is material. I think the traffic upon the river will not suffer at all by retaining the height of 20 feet; whereas, if you look at the enormous thoroughfare over the bridge, where the gradients interfere very much, not only with the facility, but the regularity of it, I think that

R. Stephenson, Esq., M.P.

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ought to take precedence in the consideration of the question; and I think that the best possible gradients ought to be aimed at in any London bridge. I think the river traffic will scarcely be damaged in a sensible degree by retaining 20 feet; and I think that it would make a difference of 1 in 27, instead of 1 in 45.

48. Mr. *Tite*.] What would the gradient be if it were unchanged?—One in 45; and if it was changed, it would be 1 in 27; that is a great addition. The original design was to raise Stangate or Bridge-street one foot. In that case the gradient would be 1 in 45; that is on the south side. If it is raised two feet, and the level of Bridge-street, at Stangate, is retained the same, as it ought to be, that is raising it one foot, and the gradient would be 1 in 27. Now, the difference between 1 in 27 and 1 in 45 is most material, and it would, I think, diminish the capacity of the bridge for traffic in winter weather; I think, for the traffic of goods, diminishing the capacity for traffic one-third. I think St. James's-street is 1 in 25, and in winter time there is no heavy traffic there. I know that when the Holyhead road was laid out under Mr. Telford, he regarded the limit of a trotting hill to be 1 in 32; a stage coach and horses could trot up 1 in 32.

49. Mr. *Tite*.] Is not a railway crossing a road, compelled to make the headway 1 in 30?—Where it crosses a turnpike road, it is so.

Thomas Page, Esq., called in; and Examined.

T. Page, Esq.

50. *Chairman*.] SUPPOSING the height of the bridge remained as proposed, at 20 feet, what would be the gradient upon the south, or, Lambeth side of the river?—One in 45.

51. What would it be if the height of the bridge were altered?—One in 27.

52. Supposing the height of the bridge remained as it is proposed, what would be the gradient of the Middlesex side?—The gradient would be 1 in 57.

53. And if it was raised to 22 feet, what would the gradient be?—It would be 1 in 45.

53*. Sir *William Jolliffe*.] Is the height of 20 feet, as at present designed, the height above high water-mark in the centre arch?—Yes.

54. What is the height of the arches nearest the abutment?—16 feet; 14 feet above the springing line and 16 feet above high water-mark. The heights of the arches are 16 feet next the abutment; 17ft. 7½in. for the next arch; 19ft. 3½in. for the third arch, and 20 feet for the centre arch.

55. What is the gradient of the proposed bridge?—The steepest gradient upon the proposed bridge itself would be 1 in 57.

56. Is that a regular gradient from the centre arch down to the side?—It is a regular gradient from the side to the middle of the second pier, that is for the two first arches; it is then 1 in 75 from the centre of the second pier to the centre of the third arch: then 1 in 123 from the centre of the third arch to the centre of the third pier; and 1 in 362 over the centre arch.

57. Mr. *Tite*.] Is it a parabolic curve?—No, it is a circle, joining two inclined planes, and the spans of the arches are set out to suit the proportion of the roadway line.

58. *Chairman*.] In answer to a question which was put to you, in the letter that was addressed to you on the 9th of last month, and which you answered on the 23d, you state that you have estimated, "that a sum of 206,000*l*. will be required for removing the old bridge and completing the new bridge from the date of the works being recommenced by a contractor, and that the sale of the plant, &c., after its use for the works, will realise 11,000*l*." Are you still of opinion that the sum of 206,000 *l*. will be sufficient to defray all the expenses that may arise?—Yes, I am of that opinion.

59. Will that cover the cost of the bridge?—Yes, according to the present prices.

60. You also state that it would require two years for removing the old bridge, and completing the new bridge, from the time of opening the first portion, and that the first portion will be open in a year from the recommencement of the work; do you still hold to that opinion?—I do still hold to that opinion.

61. You say, "Regarding the completion of that part of the bridge to be first opened to the public, it would be a saving of time and expense if the work were

were done under my direction without a contractor, most of the materials being already on the ground;" and you estimate the work which is to be carried out under your own direction at 12,500 *l.*; will you state to the Committee all the reasons that you have for recommending that that portion of the work should be under your supervision and management without a contractor?—First, there would be a saving of time in my being enabled to go to work at once with the men who have been employed upon the piers, and in using the materials which are on the ground, while a contractor was preparing for the remainder of the work from two feet above low water upwards; and it would save complication in the charges of the contractor, and in allowances for contingencies in executing the work with which he would not be familiar; again, I should be more satisfied of the work being properly done. I think it would be an advantage to the contractor in every way that at least the first portion of the bridge, the foundations of which are so near completion, should be completed under myself and my superintendents, so that the contractor, when he gives his tender, should give it for work above low water for the first portion of the bridge. I have the same opinion with regard to the remaining part of the bridge, but if there were time for the contractor to consider the details of the under-water work for the remaining portion of the bridge, it might probably be let to him as advantageously both in point of time and economy as if it were done under my superintendence.

62. You would propose that you should undertake, in the first instance, everything in regard to the foundations of that portion of the bridge to be first opened?—Yes; and of which the materials are on the ground, the foundations being partly done.

63. And you estimate that at 12,500 *l.*?—I do.

64. Will that cover the cutting of the piles below low-water mark, and then carrying the whole of the work completed to above low-water mark?—Yes, it will.

65. Mr. *Tite*.] In doing that, would you employ your own workpeople?—I would employ the men who have been employed in driving the piles, &c., when the works were in progress.

66. Would you pay them wages weekly?—Their wages would be paid weekly, and the account returned to the Office of Works.

67. You say that the main body of the materials are on the spot; for lime and cement, or anything that you may require, do you propose to buy them yourself, or by means of some competent agent?—By means of a competent agent; I should prefer that the orders for those materials, lime and cement, should be given from the Board of Works itself, and the accounts returned there; then they would be tested upon the bridge and used accordingly.

68. Have you carried out this system at all, in the works that you have executed at Windsor?—Not at Windsor; at the Thames Tunnel we had no contractor.

69. In the Thames Tunnel did you purchase your materials and pay for everything yourself?—Yes, the materials were purchased and paid for by the company; we should not have been able to have carried on that work by contractors.

70. At Windsor did you execute the roads by contract or by labour in the way which you have described?—By contract on the public roads, and by labour on the slopes; all the private roads in the Queen's Park were executed by day men under a superintendent.

71. In point of fact, as far as it went, the same system was followed?—It was.

72. Sir *William Jolliffe*.] Were those men in your employ when the former part of the bridge was done?—We have some of the men who were employed in the former part of the bridge at present on the works.

73. Were they employed by you then?—No, they were not employed by me, but by the contractor.

74. Have you those men now at your command?—Several of them, and others can be obtained. It would be almost essential, I should say, in order to execute the first portion of the bridge in the time that I have named, viz., in a year's time; that, with regard to the foundations, there should be no agency between me and the works which would cause any delay; for this portion of the work the men would be immediately under my control, and I should be responsible directly to the First Commissioner for any delay, and also for any excess of expense, should there be any; but if you have a contractor, he takes his own

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view of how he will do the work. I may instance one case which occurred at the cutwaters of the old bridge; I recommended to the agent to fix a small engine with a large iron plate as a saw, and work the engine night and day, and cut through the whole of the cutwater to the caisson, and through the caisson itself without any manual labour at all; this work would then have been done at a very trifling expense without any loss of time; but instead of that process, he set to work with diving-bells, and spent a great deal of money upon it.

75. It is only a portion of the bridge as it will be ultimately constructed of the new foundation to be put in that you recommend being done under your own supervision?—Yes; that is so.

76. Supposing it should unfortunately happen that the second portion of the bridge is not so well done as the first; or that from some cause or other there is some settlement, or something of that kind, would not it be the means of taking the blame off the person who had performed his contract in an unsatisfactory manner, if he was able to say that the person who designed the bridge had done a portion of the work, and that it was in consequence of the manner in which that portion of the work had been done that the failure had taken place?—I think that could be obviated by extending the arrangements which I spoke of to one or two divisions beyond the half; the plan would be liable to the objection you speak of, that the contractor might raise the question upon it; but, if it extended to one bay beyond the half of the bridge, that objection would be done away with.

77. Would not that be a change in the present design of the work?—Not a change in the present design; a change in the general arrangements. It is more a question of time than of the security of the work or of expense, though it may be a saving of expense.

78. Would not that endanger still more than at present the stability of the bridge?—That additional bay, which I have suggested as being executed under my superintendence, would be done while the old bridge is being removed.

79. Colonel *Boldero*.] Do I rightly understand you to say, that 12,500 *l*. is the cost of making the work up to low-water mark?—Yes, taking into account the materials which we have.

80. Will you separate the cost of materials from the cost of labour?—The cost of the labour I estimate at 7,000 *l*.

81. Sir *William Jolliffe*.] Would you prefer that that additional piece should be put in separate now, rather than that the whole should be put in together; and why should you prefer that being done?—That was to obviate the objection which you mentioned that might arise from the contractor stating that he had done one part of the work, and I had done the other; I should prefer to put in the greatest length of pier possible.

82. Under any circumstances, you would only do up to a certain point, and the rest would be contracted for, and would be put in by somebody else?—It would.

83. The only advantage would be, that each would be exactly half the work?—You would have the first ribs of the second part of the bridge placed upon what you may call the present foundations.

84. *Chairman*.] That is the foundation of the first portion?—Yes; the foundation of the first portion.

85. Mr. *Tite*.] Do you think that undesirable?—No, I think it desirable. I say that in the foundations which are laid upon one principle, the piles driven down to one test, I do not apprehend any settlement at all; but if a settlement were apprehended, and you place the first ribs of the second part of the bridge upon the first part of the foundation, all apprehension about settlement would be done away with.

86. Sir *William Jolliffe*.] Do you consider that you could put in this additional part of the foundation as securely and as firmly as the rest?—Yes; the only point would be the expense of double sheet piling.

87. *Chairman*.] What I understood you to propose is this: In the first instance, that you shall lay in the whole of the foundations to a point not so far as the centre of the bridge, and that you shall open that part upon which the foundations shall be so laid for the public; was not that so?—Yes.

88. Now, I understand you to propose, that instead of stopping short of the centre of the bridge, you shall lay on your foundations to the centre of the bridge, but

but that you shall only throw open the portion which you at first contemplated?—Exactly so.

89. Supposing that that is done, the next process will be to lay the foundations of the other half of the bridge?—Clearly.

90. And then to place the superstructure not only upon the other half of the bridge, but upon the portion of the first half of the bridge which has not yet had traffic upon it?—Yes, exactly so.

91. Would any evil result from this fact, that you will have a portion of the bridge opened to the public upon the first-laid foundation, and then you will have another portion of the bridge opened to the public upon the new foundation and a portion of the first foundation? Might there not be some settlement, from having the weight thrown upon the portion which has been recently built, and also upon the portion which has been previously built?—I should prefer, if I had my own way, to execute the foundations complete from one end of the pier to the other, and then to open the first part of the bridge to the public, as proposed. But as I cannot execute the foundations from one end to the other, on account of the new piers coming in the way of the old piers in many instances, I should prefer, as an engineer, to carry on the first portion of the bridge to the centre line, and to allow the first ribs of the second part of the bridge to be bedded on the first part of the foundations, not to have two distinct halves.

92. That is to say, having one portion of the foundation, over which you propose the traffic to go in the first instance, leaving another portion of the first foundations bare?—Exactly so; I have no doubt whatever about that mode being the best.

93. Colonel *Boldero.*] Do you expect any settlement?—No, I do not.

94. Is not it the generally received impression that in any large public buildings over the Thames there is a uniform settlement?—It depends upon the force with which the piles are driven; the resistance of the piles in this case, and the light superstructure, would render a settlement most improbable.

95. Sir *William Jolliffe.*] Is it the fact, as appears from this plan, that there is no greater headway in the arches of the new bridge than there is in the old?—There is not; because the headway of the arches of the new bridge diminishes as the headway of the old arches.

96. And in the centre of the old bridge the headway is greater now than it will be in the new?—The extreme old headway is greater, but not what you may call the "navigable" headway. The table which I appended to my report to the First Commissioner showed that the greatest number of sailing vessels passed under the arch with 20 feet headway; the traffic up the river keeps the Middlesex side, and the traffic down keeps the Surrey side; and from the time that the old bridge was built the channels were so divided by a bank between them. The dredging of the river would open a channel to the centre arch of the new bridge.

REPORT

FROM THE

SELECT COMMITTEE

ON

WESTMINSTER BRIDGE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
6 *August* 1857.

246—Sess. 2.

Under 3 *oz.*

721

PLANS

REFERRED TO IN THE

REPORT

FROM THE

SELECT COMMITTEE

ON

WESTMINSTER BRIDGE.

Ordered, by The House of Commons, *to be Printed,*
6 *August* 1857.

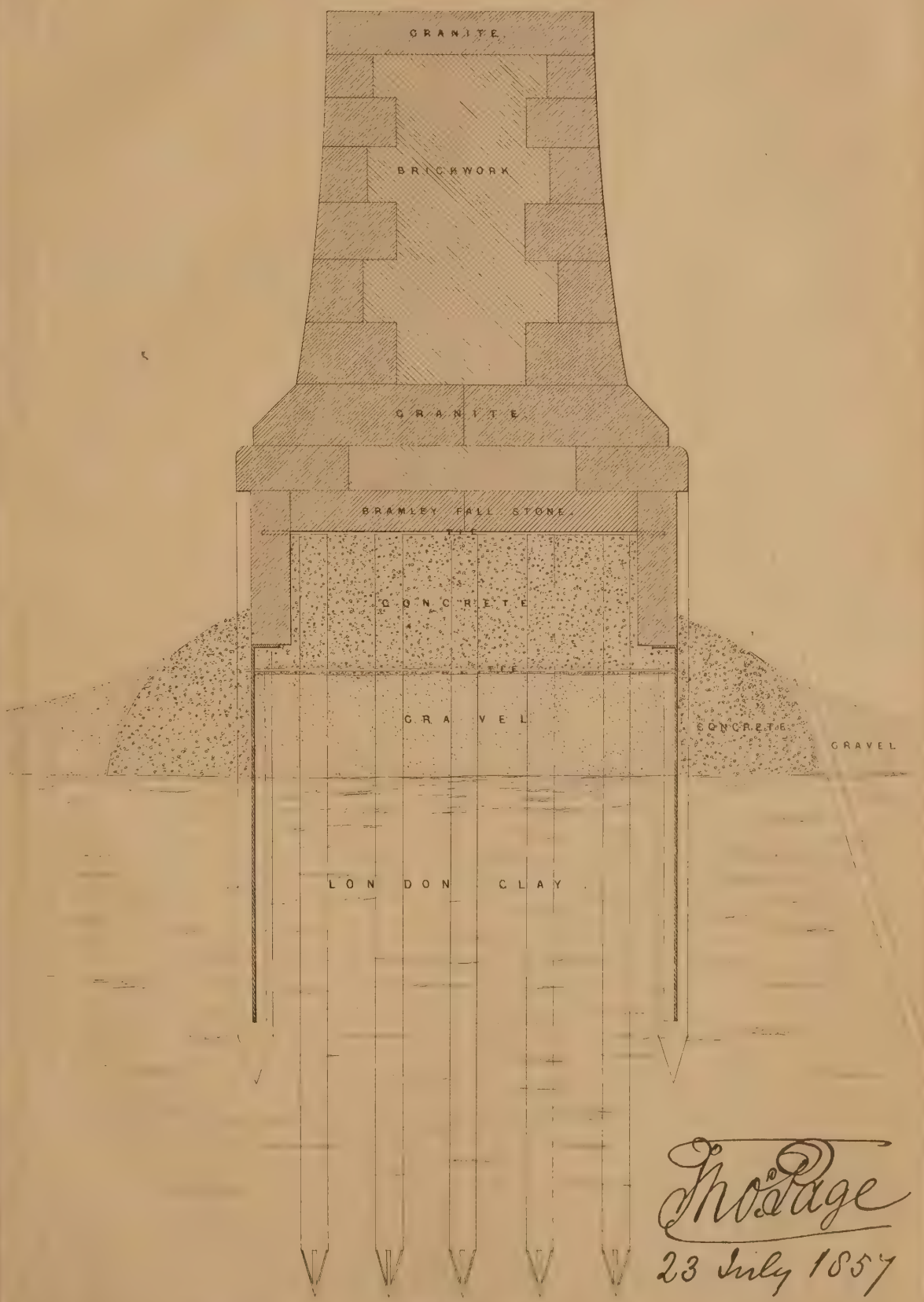
246–I.—Sess. 2.

DRAWING, Nº 1.

WESTMINSTER BRIDGE.

SECTION THROUGH ONE OF THE PIERS &c.
SHEWING THE BEARING PILES CUT OFF 19'. 6" BELOW TRINITY DATUM.

Referred to in Mr. Page's Report of 23rd July 1857.



Thos Page
23 July 1857

Scale ½ Inch to a Foot.

In. 12 6 0 1 2 3 4 5 10 15 20 Feet

Cunnidge & Co. Lith. London

Nº 246. Ordered by The House of Commons, to be Printed, 6th August 1857.

Henry Hansard Printer.

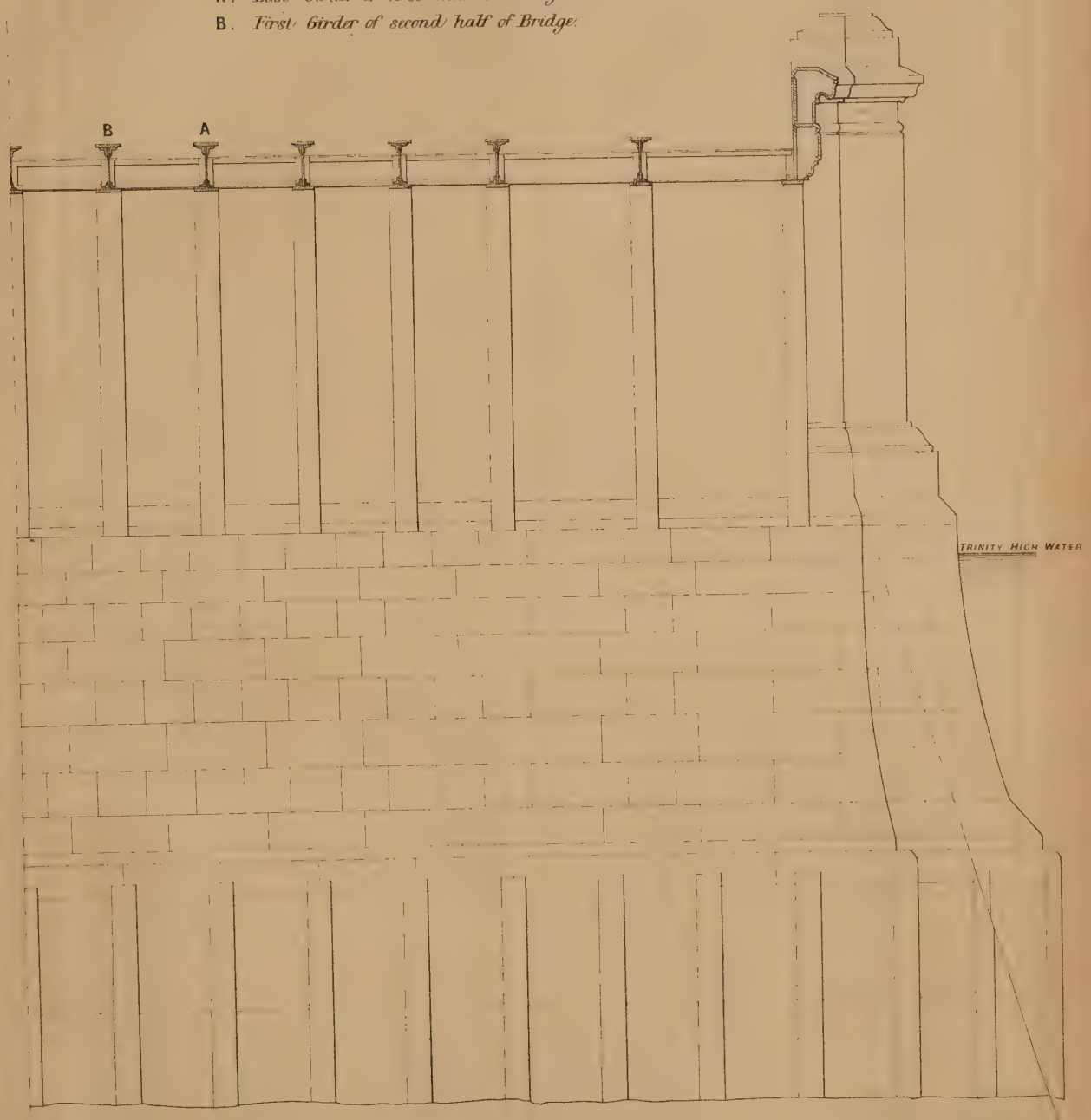
DRAWING, Nº 2

WESTMINSTER BRIDGE.

HALF ELEVATION OF ONE OF THE PIERS.

Referred to in Mr. Page's Report of 23rd July, 1857.

A. *Last Girder of first half of Bridge.*
B. *First Girder of second half of Bridge.*



Scale of Feet.

Jno. Page
23 July 1857

Standidge & Co. Lith. Old Jewry London.

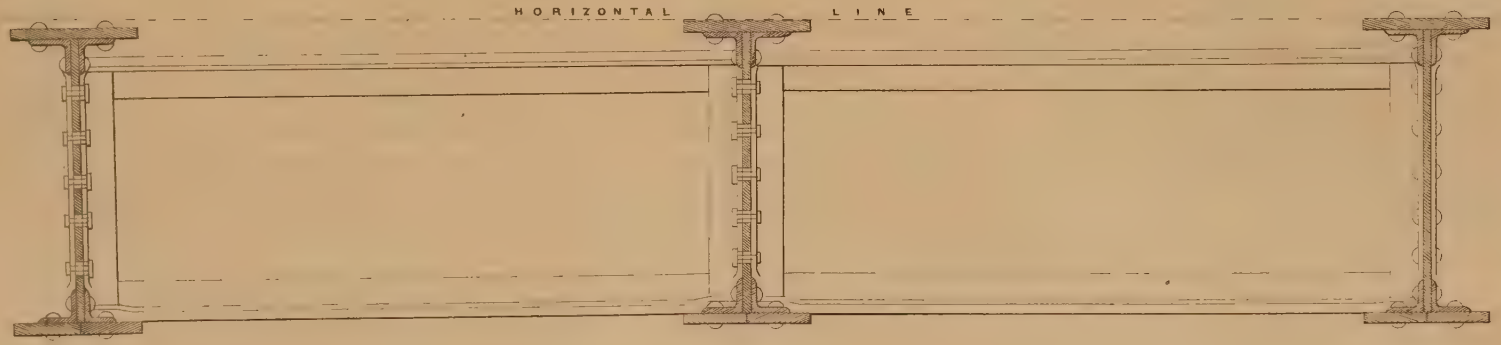
Nº 246. Ordered, by The House of Commons, to be Printed, 6th August 1857.
Henry Hansard, Print

Standidge & Co. Lith. London

WESTMINSTER BRIDGE.

SECTION OF ARCH RIBS SHEWING THE EFFECT OF ONE RIB SINKING 1 INCH.

Referred to in Mr. Page's Report, 23rd July, 1857.



Scale of Feet.

Tho. Page

23 July 1857

DRAWING. N° 3

SELECT COMMITTEE ON WESTMINSTER BRIDGE.

N° 246. Ordered, by The House of Commons, to be Printed, 6th August 1857

Harry Hansard Printer.

WESTMINSTER BRIDGE.

LONGITUDINAL SECTION SHEWING THE VARIOUS SOUNDINGS
MADE IN THE YEARS 1823, 29, 35, 43, 53 & 56.

Referred to in Mr Page's Report of 23rd July, 1

SCALE OF FEET.

FIG. 1.

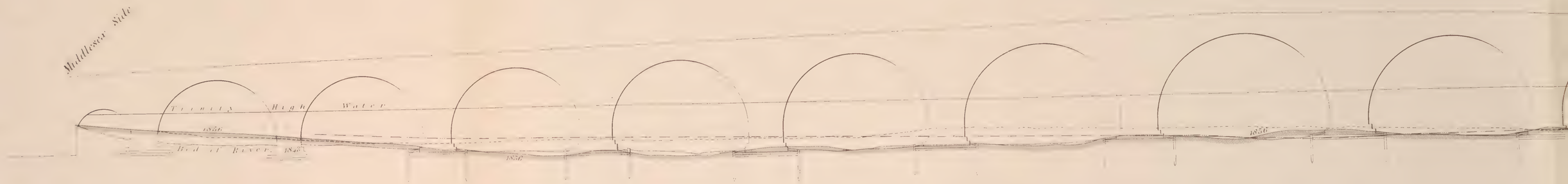
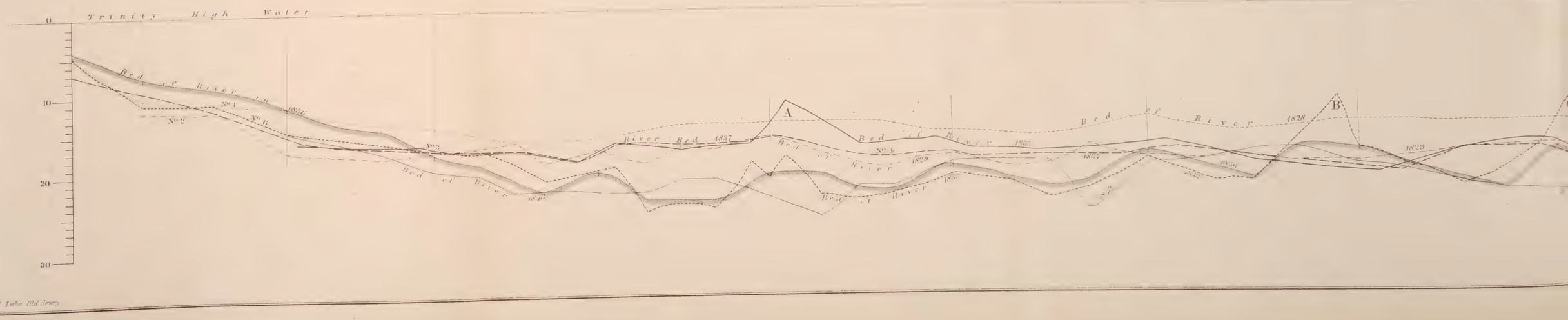


FIG. 2.



Standidge & Co Lithe Old Jewry

MIDDLESEX ABUTMENT

Standidge & Co Litho London.

WESTMINSTER BRIDGE.

DIAGRAM SHOWING THE GRADIENTS.

FOR THE APPROACHES.

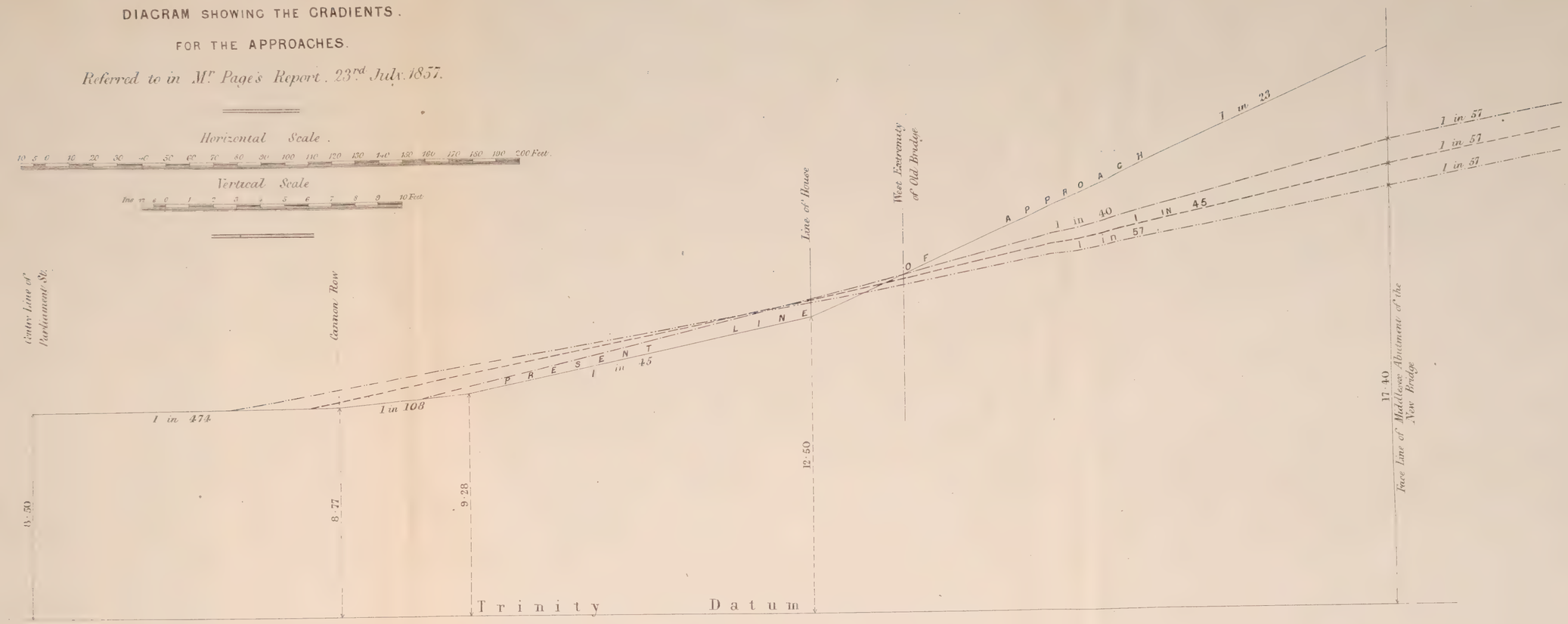
Referred to in Mr Page's Report. 23rd July 1857.

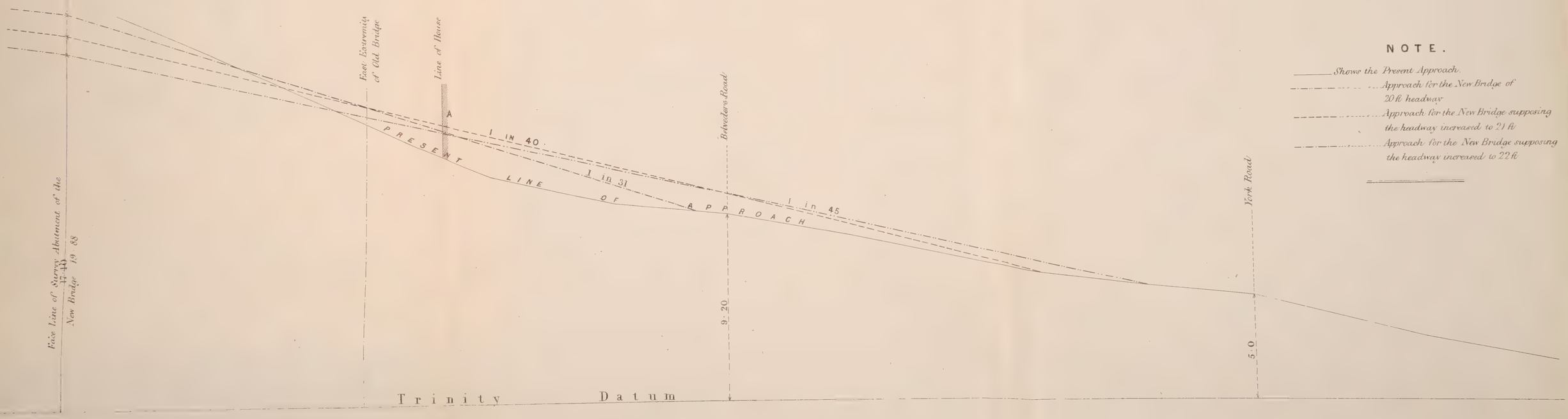
Horizontal Scale.

10 5 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 Feet.

Vertical Scale

Feet 11 6 0 1 2 3 4 5 6 7 8 9 10 Feet.





NOTE.

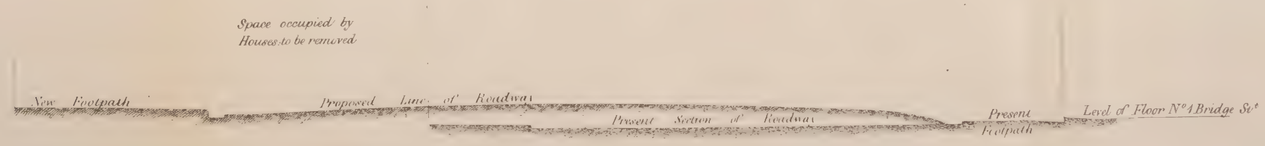
_____ Shows the Present Approach.

_ _ _ _ _ Approach for the New Bridge of 20 ft. headway

_ _ _ _ _ Approach for the New Bridge supposing the headway increased to 21 ft

_ _ _ _ _ Approach for the New Bridge supposing the headway increased to 22 ft

TRANSVERSE SECTION OF THE SURREY APPROACH AT THE POINT A *(See Diagram above)*


Space occupied by Houses to be removed
New Footpath
Proposed Line of Roadway
Present Section of Roadway
Present Footpath
Level of Floor No 4 Bridge St.

Scale of Feet.

J. Page
23 July 1857